

APPENDIX II. BULGARIAN CIVIC INITIATIVES

1. CIVIL E-REPRESENTATION PLATFORM

The platform for electronic voting and the nomination of civil representatives to committees and other state institutions in Bulgaria is a successful example of self-regulation in the third sector. Its work and evolution, as well as some operational difficulties, provide a useful experience to be shared with other NGOs.

Civil e-Representation is one of the key services offered by the Bluelink network to its main users – active non-governmental organizations. The network was created in 1998 as a joint initiative of individuals who were actively involved in the work of about ten environmental Bulgarian NGOs. Although there is a natural competition among these NGOs for raising funds and gaining public support, Bluelink was formed at a time when their representatives already had built an atmosphere of mutual trust and collaboration. Trust was not built as much on interpersonal relations, but was rather based on a common cause – protection of the environment. Trust is the traditional factor explaining every social activity – either commercial or non-profit, but in this case it is a prerequisite for the effective collaboration of NGOs and the establishment of common rules and forms of self-regulation.

The founding members of Bluelink were forced to act in very dynamic conditions and work on many issues at the same time, so they actively searched for ways to increase the efficiency of the communication within the group. For them, it was also important to expand their opportunities for communication and influence over important target groups, including other organizations and civil groups, state and municipal institutions, and the media. Last but not least, they needed to continuously increase their social base of supporters and followers. Bluelink was formed with the promise to help them achieve these goals using the internet. An important factor for the development of the network and its emerging forms of self-regulation was its role of a provider of services for active environmental NGOs, being their trusted zone of action and communication.

Even though it might sound straightforward, it was not easy for Bluelink to resist all forms of pressure that would divert it from this role. The most serious among these was the pressure exercised by donors and project financing. Under this type of pressure, the network as well as many other non-governmental structures in the post-socialist period could have lost their original objectives, becoming one of many NGOs existing only to provide regular payments to its employees and founder-members. This threat, however, was overcome by adherence of founders and team-members to civic values and their determination to develop this particular initiative.

Another important principle in the functioning of Bluelink was, and still is, keeping its neutral and impartial position with regards to the vast circle of users of the network. It is resisting the attempts for ideological, operative, and personal influence from its founders. The ability of the network and the people involved in it to maintain its function of a service provider made it an appropriate platform for the implementation of functions of self-governance of NGOs.

The particular occasion for the creation of the Civil e-Representation Platform was the closing of the secretariat of environmental organizations which existed until 2004. One of the secretariat's main functions, apart from organizing annual national conferences, was administration of the procedures of electing representatives of NGOs to committees and bodies of the Ministry of Environment and Water. These procedures were held at the Ministry's request to fill certain positions designated for civil society representatives. The initiation of procedures of this kind was made possible by the conjunction of two determinants:

- The fact that the continuous active work of the group of NGOs gradually turned them into a obvious – though not always welcome – partner of the Ministry of Environment and Water and other government institutions involved in protecting the environment;
- The Ministry of Environment and Water proved to be one of the state institutions most open to the participation of NGOs and the public in spite of the administrative culture of inertia, lack of transparency, penetration of political and business interests, and inherited hostility to civil control. This outstanding position of the institution is due to various factors mainly related to the nature of its objectives, historical evolution, professionalism, and the personal skills of employees at different levels, as well as the active cooperation of the Ministry with international organizations and its participation in a number of international exchanges.

According to Bluelink data, in the middle of 2010 the platform was used by 254 registered organizations and civil groups. These are not only environmental NGOs, but also organizations and agencies operating in the areas of agriculture, regional development, energy, civil society, social development, business, etc. Registered users are also *chitalishte*, clubs of the Open Society Foundation network, chambers of commerce and industry, etc. The platform is an opportunity for institutions to organize transparent and representative (within the range of its registered users) procedure for civil participation in their consultative bodies; provides updated information about the participation of platform-elected representatives in various councils, and gives numerous communication opportunities related to representation.⁴¹ As a result of 49 election campaigns since the establishment of the platform, a total of 102 representatives have been elected. There are 56 institutions registered on and using the platform services for election of NGO representatives. Apart from structures within the Ministry of Environment and Water, these include Ministry of Regional Development and Public Works, Ministry of Agriculture and Food, consultative and hunters' councils, committees for monitoring operational programs funded by the European Union, the Commission for Resolving Controversial Cases and Conflicts in Forestry, etc.

⁴¹ For more details about service provided by the platform see <http://vote.bluelink.net>

The set of rules forming the self-regulation process is available to the public on the internet behind the link “Full text of the mechanism of the procedure for election of NGO representatives”.

After the election procedures were transferred to the internet and the secretariat functions to Bluelink, a requirement was introduced that all participating NGOs submit certain documents to Bluelink:

- a registration of the NGO under the Non-Profit Legal Entities Act (for new participants) or for re-registration, when there is a change of circumstances (for current members);
- a certificate of current legal status updated every 2 years;
- a letter in which the organization expresses its willingness to participate in the procedure of the election of NGO representatives, signed by the official representative of the organization or an authorized person;
- a short description of the organization’s activities related to the protection of nature, the environment and sustainable development (one page).

Every organization is entitled to one vote in elections. An interesting detail is that there is a penalty measure adopted by organizations – an organization’s right to partake in elections could be ignored or rejected if the organization fails to meet the requirements. Participating organizations authorize the secretariat of the platform to control and apply regulations.

This initiative does not yet ensure the level of representation that its participants would like to have and this could be explained by a number factors. Participation in any kind of self-regulation implies certain transaction costs which many organizations consider not worth making, given the relevancy of the expected benefit in the form of gaining considerable collective or individual reputation, representation (direct or indirect) of their position to government institutions; sometimes organizations simply have different priorities.

Active participants in civic initiatives consider it their right to have their representatives at state institutions and do not view it as a favor by the government. Ever since the establishment of Civil e-Representation, the platform faces continuous doubts among participating NGOs whether it is beneficial or harmful to have their elected representatives in state institutions, according to regulations and positions determined by the government. The dilemma of whether they should or should not participate questions the whole expedience of civil representation in its current form, as well as the related self-regulation mechanisms.

The way state institutions behave often adds fuel to the fire of skepticism with regard to civil representation. There are problems like late announcement of procedures and attitudes that treat civil participation as mere formality. In one case, the Ministry of Environment and Water *de facto* refused access of an elected NGO representative to the Higher Expert Council – the consultative body addressed when an ecological license for investment and other projects is considered. Despite these and other causes of tension, good will is still prevalent and the e-Representation Platform is used by NGOs and by an increasing number of institutions.

There have been times when the desire of a certain organization or individual to win the elections at all cost in many cases brought about tension during procedures when NGOs tried to outwit the system applying different schemes, e.g. registering their branches as separate voting organizations. On occasions an attitude of nihilism, which unfortunately prevails public life in Bulgaria, towards political processes and social values was brought into the network.

In terms of technology, the Civil e-Representation Platform has difficulties responding to continuously changing realities and user demands in the internet. Many of the new users, as well as the very team of Bluelink, find faults in the functioning, interface, and the design of the platform. Still, although there are no elements of social networking that are visually attractive and probably useful, the platform remains an effective and widely used tool for both NGOs and state institutions.

In the light of the experience of the first five years of operation of the e-Representation Platform, it is necessary to rethink some of the current self-regulation mechanisms and introduce new ones. In 2010, Bluelink opened a discussion among NGOs using the platform and included optimization of election mechanisms in the agenda of its annual meeting which was attended by representatives of interested environmental NGOs.

A major conceptual issue which was discussed was the scope of the platform. By definition it is designed to service NGOs – civil society bodies registered under the respective law. Lately, however, a number of civil initiatives emerged in the environmental movement which were not registered as legal entities. The impact of these initiatives over state institutions and processes in some cases exceeded the level achieved by traditional NGOs. Examples include the campaign against the developments in protected territories such as Irakli, nature parks “Strandja” and “Vitoshka”, and the counteraction to introducing GMO products. This put on the agenda the question whether it is right to restrict participation in the e-Representation Platform to registered non-profit legal entities and if it would be necessary to include informal but active civil initiatives.

The platform is a self-regulation mechanism, administered by a civil society entity (Bluelink) and as such could easily be opened to civil initiatives. Although all participants principally agreed that such an opening is necessary, the issue of the legitimacy of participants was an insurmountable obstacle. How can genuine participants in civil processes obtain legitimate status other than by the state and the court? Further complication was caused by the shared understanding that existing state mechanisms are inadequate tools for determining how active or useful NGOs are in pursuing of their mission. This understanding is based on the existence of numerous NGOs which actually behave like quasi-companies and serve only to attract finances and to avoid taxation and other restrictions of commercial activity. So there is the paradox that legally incorporated NGOs which have deviated far from their civil objectives have full access to civil representation, while true civil initiatives are denied such access.

On the basis of long-term experience in self-regulation and community relationships built upon mutual respect and confidence, environmental organizations came

to the conclusion that it is not the state that can best determine the legitimacy of participants in civil society processes but participants themselves. A suggestion was discussed that civil initiatives which have no legal registration can still participate in the election of civil representatives with the approval of the whole environmental community. This is the idea of application of community control over the legitimacy of participants and the functioning of self-regulation mechanisms, inspired and based on the scientifically accepted system of community assessment without the participation of the state. Thus, the environmental community took a new step in their thinking – from self-regulation to self-determination.

A serious weakness in the operation of the election platform was the insufficient use of existing feedback mechanisms and the means for elected representatives to consult the community. Changes to some practical elements of the mechanisms were discussed, including shortening the election periods, introduction of mandates and strict requirements of feedback, and discussions with of elected representatives.

A major issue of discussion was the financial independence of the platform. In the context of continuous risk that the specific financing for Bluelink would cease, platform participants raised the issue of its self-financing. The principle of imposing participation tax was approved but brought about a number of important questions. Avoiding any hint of financial eligibility for participation was a widely shared notion since it would contradict the principle of openness of the platform to all NGOs and civil initiatives. A reasonable solution was found in the possibility of the secretariat to decide upon fee exemption according to criteria set in advance. This would allow organizations or civil groups, which do not have the necessary funds to support the financial independence of the platform, to be able to take part in the procedures by applying for fee exemption.

The experience of the initiative show that self-regulation in the non-governmental sector, as well as in all other sectors of society, is possible when grounded in mutual respect and trust that all participants would abide by the principles and loyalty of the common cause. All participants in a certain self-regulatory process must strictly observe its inherent good manners and spirit of mutual understanding. The temptation to take an advantage of the imperfection of the procedures and apply some other schemes needs to be continuously counteracted.

An organization which services, controls, and applies self-regulation mechanisms in the third sector must be very strict in keeping its position of neutrality and service to the NGOs. At the same time, it should constantly demonstrate a serious attitude toward the process and apply the regulations adopted by its participants.

The successful functioning of the mechanism of self-regulation needs the corresponding body – similar to the NGOs working group – to monitor and control on behalf of the participants the mechanism and the work of the secretariat; the body should be independent of the secretariat and be able to control or change it if necessary.

Being dependent on donors for funding is a serious risk for NGOs, as it might pressure them to adapt their activities to the priorities of donors and turn them

into micro-agencies for project implementation. It could compromise their ability to quickly respond to issues related to their original objectives. The same holds true of organizations that try to ensure and service the self-regulation in the NGO sector – they could cease to exist should donor funding dry up. It is strategically important that processes of self-regulation are not dependent on outside financing. If it still needs to be financed, funds should rather be secured by the very participants in the process.

2. BG-MAMMA.COM: FROM DISCUSSIONS, THROUGH ADVOCACY, TO CHARITY

The creation of Bg-mamma.com was a spontaneous follow up of the “Future Mothers” Club at Dir.bg. The website became the first Bulgarian internet portal entirely dedicated to childcare. Its original purpose was to provide a place for summarizing and organizing the information shared in the club. At the same time, some active participants began to collect, translate into Bulgarian, and post articles related to pregnancy and raising children. All this happened in 2002 and just a few months later a forum was started as part of the website that quickly gained popularity.

As of June 2010, Bg-mamma is the largest portal related to pregnancy and maternity. The forum contains over 30 sub-categories, including various clubs by interests, location, and age of children. There are over 113,000 registered users and more than 2,000,000 discussion topics, some of them being way off the issues of raising children. The forum provides opportunities for professional online consultations with medical doctors, nutritionists, psychologists, lawyers, etc. There is also a virtual representation of Bulgarian branches of organizations such as La Leche League Intl.

Over the years, Bg-Mamma repeatedly won awards for most successful Bulgarian website. Its library is regularly enriched by new additions of original and translated articles. Public interest in the website and the forum attracts users, professionals, and advertisers. Experts in various areas use it to promote their publications and offer consultancy services. Sponsored topical sub-forums are created for the advertisement of specific products/services and related discussions. Ads no longer target solely the consumers of baby goods. Interest in the website increased to the extent that at the end of 2008 Net Entertainment Group acquired the majority share of Bg-Mamma.

The website is much talked and written about because of its influence in the real world. Various cases that were shared and discussed in the forum found their solutions following the public pressure exercised by users. These include fraud attempts, child abuse, anti-social behavior, etc.

Bg-mamma is not just a virtual phenomenon. Its users initiate opportunities for real-life contacts, take an active stand on current affairs, organize protest actions, conduct charity campaigns, and stand up for worthy causes. What unites them is their sense of belonging to a common virtual world. Many informal associations

are based on acquaintances from the forum: informal groups of single parents, of adopted and adopters, of families of children with disabilities or chronic diseases; their objective is to support each other and exchange information.

A number of civil organizations and initiatives, which originated within Bg-mamma, developed over the past few years and became considerable factors for the work of the legislation and the judiciary. These are: Bulgarian Mothers' Movement, Association of Present and Future Mothers, "Full House" Club, and many regional civil associations.

The Bulgarian Mothers' Movement⁴²

It started in 2004 as a single charity initiative to help orphaned and abandoned children. In 2010, the movement already has eight active branches in different towns and a well developed network of volunteers throughout the country and abroad. Every year it organizes charity bazaars, donation campaigns, and celebrations for children in institutions related to holidays and important events in their lives (Christmas, Easter, Children's Day, first day at school, etc.). It offers support to childcare institutions for the provision of specific equipment and specialized personnel – speech therapists, occupational, and physical therapists.

The main objectives of the organization include:

- elaboration of a clear strategy for the reform, structural change, and closing down of orphanage institutions (on June 15, 2009, a working group on the reform including Bulgarian Mothers' Movement was established); measures for increasing the motivation of the employees of childcare institutions;
- speedy adoption of the new *Family Code* stipulating new procedures for child-adoption aimed at shortening the time children spend in institutions (the Code was adopted by the 40th National Assembly during one of its last meetings in June 2009);
- elaboration of an efficient strategy for foster care development and its long-term implementation, including informational campaigns; granting better payment to professional foster parents;
- appointing teams of experts to be employed by maternity hospitals in order to prevent mothers from abandoning their children;
- provision of opportunities for social integration and professional training and orientation for children raised in institutions.

In 2010, the Bulgarian Mothers' Movement became a member of the National Council at the Child Protection State Agency. At the end of 2008, the first stage was completed of the largest project of the Foundation "Protected Home TOGETHER" (www.podslon.org) and the facilities welcomed their first tenants. The facilities were built in the village of Gurmazovo, Bozhurishte municipality, by Architecture-and-Design Agency which is a partner in the project. The project was funded mainly by individual donors and accomplished with the support of the Bozhurishte municipality which provided the site. The first beneficiaries are young men, aged 18-25, who left

⁴² www.dbm.bg-mamma.com

childcare institutions and need to prepare for an adult life. They receive professional training, meet prospective employers, and learn how to take care of a home. It is estimated that young people who just turned 18 and had to leave the respective institutions would need between 3 months and a year to find a job and a home and be able to start a life on their own. The objective of the projects is that orphaned or abandoned children have the opportunity to begin a worthy and fulfilling adult life and be able to take care of themselves and their future families.

Association of Present and Future Mothers⁴³

The Association of Present and Future Mothers is a civil organization originating from the Bg-mamma forum, which unites efforts of parents throughout Bulgaria to establish better conditions for raising children. It is an expression of parents' disapproval of the irrelevant demographic policy and works for the elaboration of recommendations to be submitted to the respective state institutions. Some of the aims pursued are increased investments in day-care centers and playgrounds, improved hygiene and balanced healthy meals in kindergartens, a general improvement of the conditions for raising children, educational reform, prevention of violence amongst children, allocation of child allowances to all children independent of their parents' income, income tax according to family status, etc.

The organization was established in 2006 and took less than six months to sign the necessary contacts with members of parliament, mayors, state and other officials. The first result of the organization's activities was the amendment of the *Social Insurance Code* voted in 2006. It came as yet another demonstration that there is an active civil society in Bulgaria which can partake in the process of decision-making on issues of public importance.

The long-term objectives of the organization include:

- to assist in the process of implementation of a national strategy for overcoming the demographic crisis in Bulgaria;
- to initiate public debate and serve as a mediator between civil society and state institutions on the issues of pregnancy, childbirth, and raising children in Bulgaria;
- to participate in legislative initiatives and suggestions for amendments of current regulations concerning social, health, and educational policies;
- to provide an independent expert assessment of problems related to pregnancy, giving birth, and raising children in Bulgaria.

A typical feature of the organization is its willingness to initiate debates with institutions. It raises issues of public importance and offers specific expert solutions; opens discussions on pressing issues, challenges politicians and institutions, and enables all stakeholders to become a part of these efforts.

The activities of the organization include various social initiatives, festive events for children, participation in round-table discussions with experts and officials, press conferences, public debates, etc.

⁴³ www.snbm.org

The “Full House” Club⁴⁴

Parents of three or more children met in the Bg-mamma forum and soon after that established the “Full House” Club, which later became a part of the Parents Association. Members are united by specific issues of being part of a big family, as well as the desire to raise more than two kids to their best ability. One of the objectives of the club is to make the model of the big family an attractive perspective for young people. Its members take active part in a number of working groups and public councils involved with the issues of child-raising. Suggestions made by the club are included in the National Strategy for Children. Another success is the priority which children from big families have for admission to kindergartens in Sofia. The organization also works on the inclusion of big families in the project for home loans at better conditions, as well as the implementation of a voucher system as a form of support to families in obtaining better education and healthcare for their children.

3. THE AREVIK CASE OR THE LESSONS FROM A CIVIL PROTEST (AS TOLD BY ONE OF THE ORGANIZERS)

The first protest in front of the Specialized Home for Temporary Accommodation of Foreign Citizens in Busmanci took place on March 20, 2010, and was organized by the Bulgarian Anarchist Federation together with a civil initiative committee (the names of its members were not announced). The protest was attended by activists from Anarcho-Resistance and September 23rd, a youth communist organization. Anarcho-Resistance are a wing of anarchists in Bulgaria with comparatively moderate behavior; they can participate in a dialogue and initiatives with individuals whose values are different from theirs. The other people at the protest were a minority compared to the above three groups. There were a total of 20-30 participants and about the same number of policemen. Organizers did not aim at high attendance. They kept the whole organization of the protest in secret to avoid problems with neo-nazi groups. Posters and flags bore the logo of anarchists. At the same time, they insisted that their faces remain unseen on photos (because of possible confrontations with neo-nazi groups).

The first protest demanded mainly the closing of the facility in Busmantsi and releasing of people kept there. Slogans that were shouted were typical for anarchists around the world, when protesting in front of their detention centers: “No one is illegal”, “We are all illegal”, “No borders, no nations, stop deportations”.

In spite of this protest, the attempts of the few activists failed to draw attention to the problems of foreign citizens in Bulgaria, and specifically of those who are illegal. A new protest occurred in relation to the case of Arevik Shmavonyan, a pregnant Armenian girl. The idea for the protest originated within the Facebook group supporting Arevik. The primary intention was to protest particularly in her defense and to even take a trip to Montana and protest in front of the police

⁴⁴ www.roditeli.org

office where the detention order was issued. Gradually, it transformed into the idea of protesting in defense of the rights of people detained in Busmantsi. The person who suggested this second protest wanted to remain anonymous and someone else had to take over the whole organization process and stand up with their name. As a result, an initiative committee was formed.⁴⁵

Many members of an informal group of young people with left and anarchist convictions also helped with the organization of the protest: they made suggestions, provided a place to work and spray-paint for the posters, even organized transportation for some of the participants. Members of the Facebook group in support of Arevik also joined the preparations by giving ideas, making badges, T-shirts, posters, offering transportation, etc. Some bloggers also contributed to the cause; Lidia Staikova from Haskovo was especially active though pregnant herself (she gave birth the day after the protest). A journalist also helped a lot; he was at the heart of the organization but did not join the initiative committee because he would report on the event. Due to possible conflicts of interest, lawyers defending illegal immigrants were not included either.

It was particularly difficult to formulate the demands of the protest. It was important that these were achievable and reasonable objectives that would gain some public support. Coordination was needed between the opinions of the members of the initiative committee and the people closest to it (i.e. participants with right political convictions and the left and anarchist participants) and to consolidate these with the opinion of the lawyers. For example, a suggestion was made to insist on better living conditions in Busmantsi. The group of anarchist and left youth disagreed; they stood up for the closing of these facilities and the unconditional release of the people there, so it was not a question of improving the conditions at all. After some negotiations, the latter group withdrew their objections but still kept their opinion. The integration of all demands expanded the scope of the protest and grew from counteraction to specific practices in Busmantsi to a general defense of the rights of foreign citizens in Bulgaria. This is why it was announced as a rally and not a protest; the organizers did not merely protest against something, but gave specific suggestions. The left group got familiar with the suggested measures related to education and healthcare and decided to withdraw some of their objections.

The organizers were ambitious to spend practically no money on the event and largely use materials that were already available – first, to avoid any speculations of who paid for the event, and second, to challenge everyone who wants to organize a rally but thinks that it requires a lot of money. Along with the positive aspects, the lack of financing did not allow the organizers to ensure police escort, which turned to be almost fatal for the participants injured in an attack in a tram.

As far as the administrative preparation is concerned, organizers sent a notification to the municipality signed by the members of the initiative's committee. Although the procedure only requires a notification and not a special permission, it turned out that a response was required. Organizers believe that the procedure

⁴⁵ The committee included the following four public figures involved with immigration issues: Ivan Kulekov, Yana Burer Tavanie, Victor Lilov, and Svetla Encheva.

for organizing a rally is, in essence, based on a permission which municipal officials call “co-ordination”. After that, the initiative committee received a piece of paper stating that notification should also be given to the deputy-mayor, the city inspectorate, the mayor of “Izgreve” region, and the police office. The latter institution wanted to meet a representative of the organizers and asked that two people are appointed by the organizers to communicate with the police during the event. Finally, it was clear that the two days of foregoing procedures stipulated by the law are absolutely inadequate for meeting all the requirements of the municipality.

The date of the event was changed several times for reasons of internal organization. The rally took place on June 6, 2010, and the participation of about 100 people was beyond expectation. It lasted for two hours, and there was a great fluctuation of people coming and going. The extensive media presence was surprising. It must be noted that a brawl in a tram hindered the participation of the injured and those who traveled with them, but also of their friends from the organization “Call for Education” who were in the next tram and, after witnessing the incident, assisted the injured to the hospital.

Participants arrived at the facility around 10 a.m. and introduced to the police the two people appointed for communication. About thirty minutes later, there was a rumor about the presence of suspicious people with hoods on their heads hanging around Gara Iskar, and the police was informed about it. There was no reaction from the police, and 10 minutes later the attack in the tram occurred.

Participants included those involved in the organization of the event and their helpers, foreigners – both legal and illegal, several intellectuals, namely, professor Georgi Kapriev and the sociologist Stefan Nikolov, as well as a group of actors. The group of the Bulgarian Anarchist Federation (which was the best organized) started to shout slogans against deportations. After the event, those of the participants who had their cars with them gave a lift to the foreign citizens, as the news of the fight had already spread.

Unfortunately, the reports of the event were mainly connected to what happened in the tram. Yet, the fact that there are various groups of people demanding change of legislation concerning foreign citizens in Bulgaria was publicized. At this stage, organizers admit the fact that they failed to stir public debate but there are still reactions from politicians in the context of an upcoming amendment to the *Foreigners in the Republic of Bulgaria Act*.

Among the lessons learned is that it is **necessary to identify in advance organizations that attend, as a group, and pay special attention to communicating with them and/or take explicit measures**. Special attention must be paid to security issues, especially if expecting a confrontation with representatives of organizations that actively stand up against the protest. It is recommended to provide a sound system and a general outline of the event.

4. CIVIL PROTEST AGAINST INTERNET SURVEILLANCE

The first civil initiative against the direct, constant and almost uncontrolled access to traffic data by special services and the police took place in 2008. The Access to Information Program, an NGO, filed a complaint in the Supreme Administrative Court against a regulation of the Ministry of Interior which allowed the investigation and security services permanent access from a computer terminal to internet traffic data and phone call print-outs. No warranty is required for obtaining information but a simple demand for access granted by a senior official in the police on the basis of a “need of criminal investigation” or for “reasons of national security”. Mobile and internet operators are not even notified of the access to data, as the information is obtained by the police through an open interface.

After almost a year of legal proceedings and appeals, a five-member jury of the Supreme Administrative Court rejected the texts of the regulation and announced that they are in contradiction to the European Convention on Human Rights, to texts of Directive 2006/24/EU, and to Articles 32 and 34 of the Constitution of the Republic of Bulgaria. The court also stated that restriction of rights and freedoms could not be done through a regulation, and that the reasons for access, as described, are not a guarantee against abuse and violation of constitutional rights of citizens.

Security services and the investigation now need a court order to obtain the necessary information from operators.

The Ministry of Interior started to make attempts at regaining privileged access (there were at least five separate attempts), sometimes even acting on the edge of the law. For the past two and a half years, three ministers of the interior made efforts to acquire easier access to such information.

In the very beginning, civil initiatives against these intentions were reduced to a single non-governmental organization and a few discontented individuals, but gradually escalated to very critical publications in the media and, in 2010, there were several protests in front of the National Assembly, as well as a number of Facebook groups and petitions enjoying large public support.

Back in January 2009 – a month after the court decision – the Ministry of Interior initiated an amendment to the *Electronic Communications Act* aimed at re-gaining access but this time through the law. The amendment was well concealed among other suggested changes not related to traffic data. The text most probably would have been adopted by the members of parliament had not some of them noticed the “insignificant correction”. Members of the parliamentary group of the NMSS, being part of the government majority at the time, at first could not stand up against the amendment suggested by their coalition partners and openly confront them. Several publications in the media and the harsh critical reaction in the internet-forums were a good occasion for the opposition and the NMSS to confront the other two governing parties. NMSS members of parliament took it up as their cause and alarmed the media several times when there were attempts at adopting the same texts (even when directly breaching the working rules of the National Assembly).

During the discussions, the Access to Information Program made a number of suggestions aimed at the protection of the rights of citizens in relation to access to traffic data. Joint efforts of the non-governmental organization, the opposition, and the NMSS resulted in a restriction allowing access to information only in cases of serious and computer crime after obtaining the necessary warranty.

Only twenty days after the voting in the National Assembly, the Ministry of Interior initiated new amendments to the *Electronic Communications Act* and submitted them through BSP, MRF, and independent members of parliament. These, once again, aimed at ensuring passive interface access to information based on the same “operational and investigative activity” which was rejected by the Supreme Administrative Court. The non-governmental sector started a campaign under the slogan “**Say NO to direct police access to traffic data!**” which was supported by approximately 2,000 people. That and the negative statement of the parliamentary department responsible for the approximation of Bulgarian legislation to European Union law, as well as the objection by the ombudsman of Bulgaria, did not influence the intentions of some of the governing officials. Still, divisions within the governing majority resulted in the rejection of the amendment.

The pre-election period brought about some respite. The new government and the new policy team at the Ministry of Interior did not abandon the position that security services are under too many restrictions and the law interferes with their normal functioning. Thus, in December 2009, the Ministry of Interior asked for amendments that would have the requirement of a court order for access to traffic data, but once obtained access would be accomplished through a dedicated interface. The explanation of the Ministry was that providers are too slow in providing the information.

The growing sensitivity of the civil society led to the rejection of these arguments. A number of groups were created in Facebook, the biggest of which was “I stand against the access of the Ministry of Interior to my computer and my telephone”, with 35,080 members. Parallel groups were also largely supported: “We do not want the Ministry of Interior to watch us uncontrolled in the Internet” – 17,062 participants, “Let’s stop the unrestricted control of the Ministry of Interior over mobile networks and the Internet” – 1,732 participants, and “Bulgaria is not a Big Brother show” – 731 participants.

The **Access to Information Program** objected to the suggested amendments and took part in all meetings of parliamentary committees and forums discussing the issue. Apart from that, civil discontent was encouraged by other organizations, including a **group of bloggers “Bulgaria is ours”, the Green Party, association of free speech “Anna Politkovskaya”, the Electronic Society** and others. Several protests were organized through Facebook and were carried out in front of the National Assembly on January 14 and 26, 2009, and February 17, 2010.

The government of Prime Minister Boyko Borissov is very sensitive to public opinion and gradually gave up the intention of amending the law. The Prime Minister stated on several occasions that protests are not necessary because the matter was settled and civil rights would be protected. The Minister of Interior, Mr. Tzvetan Tzvetanov, gave up the demand of direct interface access, and later

gave up the intention to expand the range of criminal actions for which traffic data would be demanded. The minister clearly stated his reasons – public pressure.

5. NATIONAL NETWORK FOR CHILDREN

The National Network for Children unites 66 Bulgarian non-governmental organizations working with and for children and families. The organization was established in 2006 to coordinate organizations with similar range of activities, aiming at effective defense of children's rights by means of implementing various policies.

In December 2009, the National Network for Children responded harshly to the announcement that children would participate in the upcoming season of Big Brother. Letters were sent to Nova TV, the producers from Old School Productions, the Electronic Media Council, and the National Self-Regulation Council requiring that no children under the age of 18 be allowed to participate in the production.

Leading experts (psychologists, pedagogues, and social workers) agreed that involving children in this kind of shows has at least three major negative consequences:

- it is a direct violation of the rights of participating children, and particularly of their right to privacy, good parental care, and protection from labor exploitation;
- there are serious psychological risks for participating children – the lack of control over the environment during the show and the constant videotaping threaten their psychological and even physical health; there is also a risk of making them subjects to ill-intentioned adult voyeurism (pedophiles, etc.), as well as of their social stigmatization upon their return to the communities they live in;
- there is a risk for all children watching the show; experts in psychology are worried that any tolerance of unacceptable behavior of children in the show would bring about an avalanche of imitation.

After the television refused to stop admitting children to castings for the show, the National Network for Children decided to publicly stand up for children's rights. The official statement of the National Network for Children was supported by 130 non-governmental organizations. It was presented in 11 towns throughout Bulgaria at press-conferences with the participation of leading child psychologists, teachers, social workers, etc.

A special website was created linked to the official website of the National Network for Children⁴⁶ to explain the risks for children participating in such reality formats. Over 6,000 people joined the Facebook group created for the same purpose, and a thousand others supported the online petition against the involvement of children in the show.

⁴⁶ <http://bigbrother.nmd.bg/>

In spite of all efforts of the civil sector and the numerous discussions of the issue in the Electronic Media Council and the Commission for Culture, Media and Civil Society at the National Assembly, children were included in the fifth season of *Big Brother*. It was a partial success that producers and the management of Nova TV took some of the advice of the experts and minimized the displaying and the involvement of children in activities in the house. The National Network for Children also considers it a success that the civil sector successfully united the efforts of different organizations and demonstrated their firm position that children's rights must be respected in all activities of the adults. The interference of the National Network for Children was the first time ever that media experts at the Electronic Media Council, the National Assembly, and the internet opened discussions about the children's rights in the media and the responsibility for their protection.

The biggest success regarding the rights of children came after the start of the show, when a group of members of Parliament initiated an amendment of the *Radio and Television Act* which forbids the inclusion of children in reality formats harmful to children's physical and psychological health and normal development. Many discussions of the issue are still undergoing with the participation of experts from the National Network for Children.