Index of Citizen Participation in Bulgaria

Developed using the methodology of the Citizen Participation Forum and The Bulgarian Centre for Not-for-Profit Law

Sofia
INTRODUCTION:
Context and Methodology for Measuring the Citizen Participation Index

The methodology used to measure the Citizen Participation Index was developed by the Citizen Participation Forum (CPF) in partnership with the Bulgarian Centre for Not-for-Profit Law (BCNL) and financial assistance from the Bulgarian NGO Programme under the EEA Financial Mechanism and the Charles Stewart Mott Foundation.

The idea to develop the methodology was inspired by the constant dynamics of activities by citizens and organizations in Bulgaria. Manifestations of civic activity varied widely by topic and scale, with fluctuating degrees of impact and effect.

In early 2015, CPF and BCNL undertook the challenging task to monitor on regular basis three interconnected aspects of civic participation. On the one hand, the environment in which it develops – under what conditions and on what legal base the dialogue between citizens and institutions has been occurring. On the other hand, how often and what tools citizens and organizations use in order to get involved in the decision-making process. And, above all, what the effect is from the application of various mechanisms of citizen participation, what their impact is on the operation of local and national authorities and the decisions they make.

For the purposes of this study, "citizen participation" is defined as:

"Actions and initiatives by citizens, civic groups and organizations that lead to policy changes and influence governance decisions at various levels."

The study covered the following domains to measure "citizen participation":

<table>
<thead>
<tr>
<th>Domain</th>
<th>Indicators</th>
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<tbody>
<tr>
<td>1. Environment of Citizen Participation</td>
<td>1.1. Legislation</td>
</tr>
<tr>
<td></td>
<td>1.2. Institutional environment</td>
</tr>
<tr>
<td>2. Practices/Manifestations of Citizen</td>
<td>2.1. Initiatives of citizen participation at national and local level.</td>
</tr>
<tr>
<td>Participation</td>
<td>2. 2. Active citizens</td>
</tr>
<tr>
<td>3. Effect/Changes Resulting from Citizen</td>
<td>3.1. Result from citizen initiatives.</td>
</tr>
<tr>
<td>Participation</td>
<td>3. 2. Changes in the environment</td>
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**The score for each respective indicator was assessed by an Expert Group** consisting of representatives of civil society organizations and experts working in various fields at the local and national level. The score was based on the results of previously collected information on citizen participation through analysis of the legal framework, surveys and polling. Using this methodology, the Expert Group gave a score of 0 to 6, each score having the following meaning:

<table>
<thead>
<tr>
<th>Score</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>from 0 to 2</td>
<td>Weak or underdeveloped citizen participation</td>
</tr>
<tr>
<td>from 2.1 to 4</td>
<td>Developing citizen participation</td>
</tr>
<tr>
<td>4.1 to 6</td>
<td>Developed citizen participation</td>
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This report contains the score given under each indicator, as well as the main findings and conclusions in their respective domains. Also included are general conclusions and recommendations to improve the environment and the impact of citizen participation in Bulgaria, as at 2015.
INDEX RECORD - 2015:

1. Omnibus survey conducted from 7 to 13 June 2015, nationally representative sample of 1026 persons;

2. Survey conducted among members and supporters of the Citizen Participation Forum in April - May 2015, sample of 425 valid questionnaires;

3. "Focus group" meeting of experts and active citizens held on July 22, 2015 to assess the indicators;

4. A report summarizing the results from the „Citizen Participation Index”, prepared August – September 2015.

Domains studied, indicators, and score for each domain.

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<th>Score</th>
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<tbody>
<tr>
<td>1. Environment of citizen participation</td>
<td>1.1. Legislation.</td>
<td>3.46</td>
</tr>
<tr>
<td></td>
<td>1.2. Institutional environment</td>
<td>3.12</td>
</tr>
<tr>
<td></td>
<td><strong>Overall score: 3.29</strong></td>
<td></td>
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<tr>
<td>2. Practices/manifestations of citizen participation</td>
<td>2.1. Initiatives of citizen participation at national and local level.</td>
<td>3.62</td>
</tr>
<tr>
<td></td>
<td>2.2. Active citizens</td>
<td>3.55</td>
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<tr>
<td></td>
<td><strong>Overall score: 3.59</strong></td>
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<tr>
<td>3. Effect/changes resulting from citizen participation</td>
<td>3.1. Result from citizen initiatives.</td>
<td>3.28</td>
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<td></td>
<td>3.2. Changes in the environment</td>
<td>3.42</td>
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Index 2015 of citizen participation in Bulgaria: 3.39
Under the methodology developed, a score of 3.39 means a situation of developing citizen participation. The study revealed that the environment (legislative and institutional) for citizen participation, while regulating the basic forms and opportunities, is not yet complete and respectively does not create sufficient incentive for participation. In such an environment, citizens' participation tends to be "virtual", without the deep knowledge of mechanisms for actual involvement; therefore most manifestations are sporadic, inconsistent as a process, and generate no result or response.

The levels of citizen participation in Bulgaria are not high; it is not efficient enough; it is sporadic and often misunderstood in the wider public. Although painstakingly and slowly, however, it does change the political, economic and social context. Some of the practices of citizen participation have a lasting impact on the way institutions function, on the one hand, and have a mobilizing effect on civil society, on the other. The majority of respondents on Index issues are adamant that although small and partial, the results of the actions and initiatives of citizens, civic groups, and organizations, are a positive sign that civil society in Bulgaria is indeed developing.
CONCLUSIONS AND FINDINGS, BY DOMAIN

DOMAIN 1: Environment of citizen participation

Research into this domain shows how legislation and institutional environment support and facilitate citizen participation.

Overall score: 3.29

Indicator 1.1. Legislation (legal framework); indicator score of 3.46

The availability of information is the first, basic level necessary for effective citizen participation. The analysis shows that access to information in Bulgaria is, in relative terms, regulated in the most detail, and accordingly exercised. The Access to Public Information Act has been in force since 2000; its implementation has already created an abundant case law.

Our law on access to public information is of high quality; in accordance with all EU standards, Bulgaria it is an example for many others countries in this field.

With regard to the next level of participation (public consultation on regulations and policy documents), there is insufficient regulation of the basic elements of this process in the general law governing these relations - the Statutory Instruments Act (SIA). These are: consultation at the stage of conception of any statutory instrument; establishment of contact points; publishing a report on the proposals and motivated acceptance/rejection. The lack of feedback from the administration on proposals and opinions is demotivating to civic activity, the study showed. Amendments to SIA are currently being discussed to include impact assessment as a mandatory element in the adoption of any legislative or strategic instrument. Such amendments would be a good step to improve the legal framework relating to consultations and increased civic motivation.

At the local level, public consultation are largely dependent on the local authorities' goodwill and desire for cooperation. The Municipal Councils' Rules are legal instruments that build on the Local Government and Local Administration Act and these enhance or respectively hinder the forms of civic participation. LGLAA sets no clear standards; therefore consultations, for the most part, are formal, ineffective and decrease citizens' motivation to get involved.
There is no unified legal regulation for Public Advisory Boards and no clear mechanisms to include citizens and civil society representatives. Currently, central government bodies supposedly work with 68 advisory councils; some of these boards, however, have had no meetings in years; there are no recorded minutes of such meetings either. Another issue noted is the formal establishment of such boards and the subsequent lack of interest by the administration in its activities, decisions, and their implementation.

The legal framework for referendums and citizens' initiatives is governed by the Act on Direct Citizens' Participation in State Government and Local Self-Government. In essence, however, this law does not encourage greater civic engagement and fails to create real opportunities for organizing referendums. This is due to the very high thresholds and requirements for initiation (on the part of citizens) and subsequently for the recognition of the validity of referendums. Another problem concerning this law is that cases of non-compliance do not result in any consequences.

An example is the flagrant inactivity of the Varna Municipal Council; it failed to take appropriate action and hold a referendum initiated on the initiative of citizens (concerning the regulation of the Sea Garden and the coastal area, 2013 - 2014). Eventually, after a court procedure, the Municipal Council was ordered to take action, but the time wasted could result in the very grounds for a referendum disappearing.

Addressing the issue of the legal framework cannot be isolated from the guarantees which Bulgarian legislation provides concerning the right of association and freedom of expression. Following extensive public consultations, amendments are pending to the Not-For-Profit Legal Entities Act, aiming to optimize the registration of civil society organizations, establish a Fund in support of civic initiatives and a Council for Civil Society Development with the Council of Ministers. The implementation of these changes would be a positive trend and an expression of concern for the development of civil society in Bulgaria.

Legislation in Bulgaria provides the basis for various forms of citizen participation, but with the exception of access to information, which is regulated in detail, other forms are not properly regulated.
Indicator 1.2. 
Institutional environment; indicator score of 3.12

NGOs and their associations are becoming more active participants in organizing various initiatives and campaigns. The setting up of networks and coalitions of NGOs, however, occurs more often at national level or in major cities, where a larger number of organizations exist. Coalitions at the local level are rather more difficult to achieve because organizations are competing with each other, due to scarce resources, which prevents them from joining efforts and achieving significant results. A general problem for both national and local organizations is the lack of sustainable funding and consistent government policies in support of NGOs.

Institutions often have a formal approach in the conduct of public consultations and other forms of interaction with citizens and civil society organizations. Analysis of the institutional environment shows the need to increase expertise and the administration's understanding and continuity in such policies. Institutions have no dedicated experts to organize public hearings and consultative processes, and do not provide financial resources for their implementation.

A positive example of interaction are thematic working groups and monitoring committees for Operational Programmes in which representatives of civil society organizations have been publicly selected, under specific criteria. Their effectiveness has yet to be proved.
With regard to the media, in recent years most of the important discussions seem to occur within and through social media. This conclusion is based on results from the omnibus study which shows that social media is rated second as a source of information about news and events. Television, however, continues to be the main mediator in the formation of public opinion. With regard to civil causes, three national televisions (BNT, Btv and Nova) are open for cooperation, but very few organizations are able to fall within their “field of vision”. There is a gap in communication between NGOs and the media: organizations heavily rely on social media channels, communicating in this way with only a closed circle of followers, while the electronic media are looking for attractive news and personal stories to convey messages. The result is a "strong image crisis" of civic participation, leading to the absence of public understanding and support.

...Given the dozens of organizations and informal groups that do good things in many areas, especially at the local level, the majority of Bulgarians who have not been in touch with concrete initiatives perceive civic participation negatively.

The analysis of this indicator shows that the institutional environment has a lower score than the legislature, which leads to the conclusion that the regulatory framework is not explicit enough and allows for the negative formalization of the participation process.
**DOMAIN 2: Practices/Manifestations of Citizen Participation**

This index domain aims to explore the level of citizen participation practices and how active citizens themselves are.

**Overall score: 3.59**

**Indicator 2.1.**

**Citizen participation initiatives; indicator score of 3.62**

The omnibus survey and the survey within the CPF network demonstrate that citizen participation in many cases happens "virtually", primarily through the Internet and social media. According to the survey, 40% of respondents have participated in initiatives on the Internet. The omnibus study shows about 24 percent participation manifested by supporting Facebook initiatives, petitions, or blogs and forums. One explanation is that such "virtual" forms of participation are easily accessible and allow momentary expression of one's position concerning a certain cause. However, this reduces the actual participation in civic initiatives as citizens believe that expressing online support is sufficient.

The results of the omnibus survey reveal also that the referendum is a well-recognized form, albeit one that fails to attract a very high participation rate. Bulgaria has held only one national referendum, but more referendums have been held at the local level. 7% of respondents said they had voted in a referendum during the last two years.

One particular form of civic participation, however, is very positively appreciated by survey respondents: public consultations on draft legislation and policy documents. 32% of respondents (civil activists and organizations), have been involved in such discussions. Only forty percent of them say they received feedback from the administration on the opinions and suggestions they had submitted.

The Council of Ministers' Public Consultations Portal (www.strategy.bg) is one example of a mechanism attempting to involve citizens. It needs to be improved and promoted, however. Also, the government and institutions must realize that the more mechanisms they create in that vein, the more civic participation will increase.

We can conclude that the nature and mechanisms of various forms of civic participation are not widely known, with the exception of "online" types. The lack of tradition and formal civic education makes referendums and general meetings an unfamiliar form of participation which, however, is gaining more and more strength; the same goes for public consultation that are beginning to attract the interest of active citizens and organizations.
Indicators 2.2.
Active citizens; indicator score of 3.55

According to the omnibus study, the highest percentage of respondents participated in donation campaigns. To a large extent this can be attributed to the proactive role of the leading TV stations and institutions (e.g. the Bulgarian Christmas campaign), and also that donations by mobile text messages (the most common form) are easily accessible and fast.

At the other end of the scale, with very low participation rate (6.4% according to the omnibus survey), is volunteering. However, in recent years there have been positive examples of volunteer actions, developing voluntary platforms, public recognition of volunteer work (the campaigns following the flood in Asparuhovo, extinguishing the fire in the Vitosha Mountain, etc.)

The TimeHeroes.org platform (established in 2009) is a volunteers' platform through which a person (or organization) in need can request help, or the other way around - someone willing to help can donate their time and abilities for a good cause. Such tools facilitate access and increase the motivation for citizens' and organizations' participation.

Public protests in recent years showed citizens that they are able to genuinely influence the decision – making and it is now common practice to organize protests on various local issues. People seem to have developed a "citizens' reflex" in response against injustice: from demanding that authorities install traffic lights at an intersection in which a child was killed, to getting out in the square or the gates of the City Hall to protest against certain political actions. Such actions are increasingly becoming a social practice, a characteristic not only of large cities, but also of smaller ones.

The overall conclusion in this domain is that civic activity has been increased in recent years. The established "minority of active citizens" who, by their actions, made a breakthrough in the system by demonstrating that “one has to participate, one must protest and express one's position", is widely appreciated as a positive trend. One aspect that seems to hinder civic involvement and motivation is the fact that, on the one hand, citizens do not know how to participate, and on the other hand, the administration operates on the principle of "perpetual forwarding" up the chain, or takes no action at all.
Domain 3: Effect of Citizen Participation

Within this domain, we explored the result of initiatives taken and whether this led to a change in the environment (legal, social, and institutional).

Overall score: 3.35

Indicator 3.1. Result from citizen initiatives; indicator score of 3.28

The results of the survey show that 44% of respondents believe citizen participation is weak and ineffective. However, 20% respond that there has been "partial effect" from the forms of participation. The smallest group is that of optimists: 10% believe that the role of citizens has increased, there is a growing number of initiatives and actions by civil society organizations and informal groups that aim to change policies or influence governance decisions at various levels.

Regardless of the number of civil initiatives, the result of some of them should be very positively appreciated, including in systems where citizen participation and pressure are a rare phenomenon.

For example the public hearing introduced on the initiative of civil society organizations for candidates for the post of Constitutional Judge, and the subsequent public outcry disapproving the candidate for the post, resulted in the unprecedented refusal by the President to sign a decree on the inauguration of that person.

According to the study, domains of activity achieving the highest effect from participation include the social (46%), followed by environmental (43%) domain. The explanation regarding the social sphere is the delegation of a large number of services from the State to NGOs, which explains for the increase in their number and their sustainability (including financial sustainability). In the environmental domain there are copious examples of civil initiatives that resulted in the change of authorities' decisions: from the cancellation of construction permits in protected areas, to amendments in laws and successful court cases.

With regard to which forms of citizen participation are the most efficient, the highest percentage of replies points at initiatives on the Internet and social media (41% of respondents). The main reasons for this choice are the accessibility, ease of organization and the opportunity to involve many people.
This group is immediately followed by the forms of direct democracy: referendums. The unsuccessful national referendum and the modest turnout in local referendums do not change the preferential role that respondents attribute to this form of civic participation; it was indicated as the most effective respectively by 34% (for a national referendum) and 25% (local referendum) of respondents. Given the history of referendums in Bulgaria after 1989, it is an issue open to interpretation whether this is the respondents' actual appreciation of events or it rather reflects people's desire that institutions consult with them on a more regular basis. The high percentage of approval given by respondents in the survey to referendums shows their confidence that such forms are capable of achieving actual change as a result of participation.

The perception that citizen participation is weak and insufficient seems to prevail among respondents. At the same time, trends have been reported towards an increase the number of initiatives and actions of civil society organizations and informal groups, as well as examples of concrete results: a change in policies, resolving specific cases, withdrawal of draft legislation.
Indicator 3.2.
Change in the environment;
Indicator score of 3.42

Despite the increased number of civil initiatives and the higher sensitivity of politicians and the administration, it is too early to conclude that a sustainable change in the environment has been achieved. However, there are initiatives whose resonance is great and they result in a change of people's mentality.

In practice, even unsuccessful initiatives can result in changes to the environment.

An example is the rejection of proposals for changes in the Act on Direct Participation. After months of debate and discussions of many opinions - both by MPs and citizens and organizations, including the active participation of members of the CPF, the amendments to the Act were only cosmetic - the threshold for a referendum remains too high for citizens. This, however, served to put politicians "on the defensive" and caused a very serious reaction in the media and wide public response. As a result, the debate on the Act deepened.
According to the survey, a significant portion (39%) say they do not see the results of initiatives. It is interesting to note, however, that citizens who have direct experience in various forms of civic participation, have given relatively high scores to the results achieved: the result they perceive has to do with the changed attitude of institutions (38%) and increased the civic activity (45%). The study concluded two main aspects: 1/A positive change in the attitude of the institutions - more transparency, improved communication and dialogue with citizens; 2/ Change in civic activity: the results achieved motivate more citizens to participate or undertake civic initiatives themselves.

The conclusion is that the environment has really changed and there should be greater citizen participation in the areas involving the distribution of major financial resources. Otherwise we would end up with mimicry of citizen participation and it could be reduced to the very appropriate metaphor given by one of the experts as part of the discussions: it could become just a "brooch" (ornament) that government will wear on its lapel, without leading to any change.

Despite the explicit legal obligation of municipalities to organize and conduct public discussions of the municipal budget, respondents do not seem to list "local finance" as a domain of active citizen participation: only 2% of respondents have participated in such discussions. In a very small number of municipalities, the municipal budget is allocated with the active participation of citizens. In most cases, the discussion is only perfunctory.
Based on the findings and conclusions by domain, respectively by indicator, we have formulated the following recommendations for improving the state of citizen participation in Bulgaria:

- Lower the threshold needed to initiate a referendum and the threshold for its validity; cut down on the red tape in the collection of signatures, introduce online voting initiatives.

- Introduce an obligation to consult on strategic and regulatory instruments at the stage of impact assessment or concept, both at local and national level;

- Increase the consultation period and introduce an obligation to provide feedback by institutions on citizens' proposals, with specific explanation on the acceptance or rejection.

- Establish a clear mechanism for the selection of members of the Public Councils and a clear mechanism for publicity of their activities and the implementation of their decisions.

- Adopt changes in Not-for-profit Legal Entities Act to stimulate the development of civil society organizations, an important element in the environment for citizen participation.

- Establish and support the operation of strong civil society organizations and networks that can assign resources and competently participate in the processes of decision making and are able to involve and inform the public and the media;

- Expend more effort, time and skill on the part of NGOs to reflect their causes and respectively make them understood and supported by the general public;

- Develop and implement various tools for involving citizens and building the capacity of institutions to conduct public consultations (assign special people who are responsible for this process and for tracking results/feedback).
• Consistent cooperation with the media so they can provide more airtime for the presentation of different points of view in the discussion of public issues and topics before a final governance decision is made.

• Introduce civic education lessons, including workshops in school, and conduct campaigns to raise public awareness about the forms of direct participation and volunteering.

• Facilitate access to consultative processes for citizens and their groups/organizations.

• Ensure greater involvement of civil society organizations in consultations and inform the general public about the issues and the results of these; initiate public debates and campaigns by NGOs on important issues at local and national level.