*Participation in the conduct of public affairs*

1. *Do the Constitution and/or other laws of your country provide for the right of individuals to participate in the conduct of public affairs? Please provide information on relevant legislation and constitutional provide information on relevant legislation and constitutional provisions.*

The national legislation governing the terms and conditions for the participation of citizens in public affairs is contained in separate norms of the Constitution of the Republic of Bulgaria, in the Election Code, the Local Government and Local Administration Act, the Meetings and Marches Act, and in the Direct Citizen Participation in State and Local Government Act.

The principle of citizen participation in the governance of the state is enshrined in the Constitution of the Republic of Bulgaria. According to Article 1(2) thereof, the entire power of the State shall derive from the people. The people shall exercise this power directly and through the bodies established by this Constitution.

The principles of universal, equal and direct suffrage by secret ballot are contained in Article 10 of the Constitution.

Article 11 of the Constitution shall guarantee political pluralism.

1. *What is the scope and content of the right to political and public participation as provided in national law?*

Pursuant to Article 42(1) of the Constitution, every citizen above the age of 18, with the exception of those placed under judicial interdiction or serving a prison sentence, shall be free to elect state and local authorities and vote in referendums. According to Article 65(1) eligible for election to the National Assembly shall be any Bulgarian citizen who does not hold another citizenship, is above the age of 21, is not under a judicial interdiction, and is not serving a prison sentence. Eligible for President shall be any natural-born Bulgarian citizen over 40 years of age and qualified to be elected to the National Assembly, who has resided in the country for the five years preceding the election.

In respect of local authorities:

Article 138 of the Constitution stipulates that the body of local self-government within a municipality shall be the municipal council elected directly by the populace for a term of four years by a procedure envisaged by the law.

According to Article 139(1) the mayor shall be the executive power within a municipality. He shall be elected for a term of four years by the populace or by the municipal council in a manner established by law.

Election Code:

Article 396(1) The right to elect municipal councillors and mayors shall be vested in the Bulgarian citizens who have attained the age of 18 years by Election Day inclusive, are not interdicted and are not serving a custodial sentence and have resided in the respective nucleated settlement for at least the last 6 months.

(2) Each citizen of a Member State of the European Union, who is not a Bulgarian citizen, shall have the right to elect municipal councillors and mayors, if the said person has attained the age of 18 years by election day inclusive, is not interdicted, is not serving a custodial sentence, enjoys a durable or permanent residence status for the Republic of Bulgaria, has resided in the respective nucleated settlement for at least the last 6 months, is not deprived of the right to elect in the Member State of citizenship.

Right to be elected

Article 397(1) The right to be elected as municipal councillors and mayors shall be vested in the Bulgarian citizens who have attained the age of 18 years by election day inclusive, are not interdicted and are not serving a custodial sentence and have resided in the respective nucleated settlement for at least the last 6 months.

(2) The right to be elected municipal councillor shall furthermore be vested in any citizen of a Member State of the European Union, who is not a Bulgarian citizen, does not hold a citizenship of a state which is not a Member State of the European Union, has attained the age of 18 years by Election Day, is not interdicted, is not serving a custodial sentence, enjoys a durable or permanent residence status for the Republic of Bulgaria, has resided in the respective nucleated settlement for at least the last six months, is not deprived of the right to be elected in the Member State of citizenship.

Article 45 of the Constitution provides that all citizens shall have the right to lodge complaints, proposals and petitions with the state authorities.

Direct Citizen Participation in State and Local Government Act lays down the conditions, organisational arrangements and procedures for direct participation of citizens of the Republic of Bulgaria in performing the tasks of state and local government. The principles of direct citizen participation in the process of governing shall be: free expression of will; universal, equal and direct participation by secret ballot; equal access to information in respect of the question put forward; equal conditions to present the different opinions involved. Direct participation shall be effected by referendum, civil initiative, general populace meeting.

1. *How does the State guarantee that all individuals take part in the conduct of public affairs? Which concrete measures (including legislation) does the State take in order to enable the full and equal political and public participation by members of all groups? How does the State monitor enforce legislation adopted to enable the full equal political and public participation by members of all groups?*

According to Article 6 of the Constitution, all persons are born free and equal in dignity and rights. All citizens shall be equal before the law. There shall be no privileges or restriction of rights on the grounds of race, national or social origin, ethnic self-identity, sex, religion, education, opinion, political affiliation, personal or social status or property status.

The Commission for Protection against Discrimination (CPD) monitors the observance of the principle of equality and prevention of acts of discrimination. It is an independent specialized state body for prevention of discrimination, protection against discrimination and ensuring equal opportunities. In October 2011, CPD was registered in accordance with the Paris Principles and was given status B by the International coordinating committee of national institutions for the promotion and protection of human rights. The same status was given to the Ombudsman of the Republic of Bulgaria, who according to the Ombudsman Act is an independent body empowered to monitor compliance with citizens’ human rights and fundamental freedoms by the state and municipal authorities.

The Bulgarian legislation ensures full equality of women and men and treats them on equal footing in all spheres of public relations. They enjoy the same civil, political, economic, social and cultural rights. A National Council on Equality between Women and Men has been established, where along with representatives of agencies and institutions with competences in this field, NGO representatives are actively participating.

For the people with disabilities, the state guarantees and creates conditions for the equality and full participation in political and public life. The exercise of their rights is realised through the provision of socio-economic support to them and their families and integration in general and/or specialized environment. At the Ministry of Labour and Social Policy, the Agency for Persons with Disabilities has been established, having powers to participate and give an opinion in the drafting of regulatory acts relating to persons with disabilities, and to develop programmes and fund projects to stimulate the business initiative of people with disabilities and business initiative to the benefit of people with disabilities.

Issues related to active inclusion of Roma in the public life in the country are included in the competences of the National Council for Cooperation on Ethnic and Integration Issues with the Council of Ministers. NGO representatives from different Roma communities take active participation in the work of the Council.

The Radio and Television Act allows broadcasts in the mother tongue of minority groups in the country and this opportunity has been actively made use of in BNT and BNR.

The Council of Electronic Media shall oversee the programmes of media service providers, monitor prevention of creation and dissemination of broadcasts inciting national, political, ethnic, religious or racial intolerance.

1. *To what extent are all individuals consulted during the legislative and policy making processes? Please describe best practices or experiences of representative structures, processes or any other means to encourage participation prior to reaching a political decision.*

The main form of citizen participation in the legislative process is the established form of broad public discussion of the proposed draft pieces of legislation by publishing them on the official website of the Government or the relevant department/institution.

Citizens can also participate in committee meetings in the National Assembly under the terms established in the Rules of Organization and Procedure of the National Assembly.

1. *Are there any outreach efforts in place to effectively involve women, indigenous peoples, persons with disabilities, members of minorities and others groups requiring special attention in participatory processes?*

The legal system guarantees to a sufficient degree the participation of these groups in public life.

*Right to vote and to be elected*

1. *Is there universal and equal suffrage in your country? Are the rights of article 25 b) of ICCPR guaranteed by law? If yes, please make reference to such legislation.*

The right of citizens to vote is guaranteed by the provisions of Article 10 and Article 42(1) of the Constitution. According to Article 3 of the Election Code, elections shall be held on the basis of universal, equal and direct suffrage by secret ballot and shall ensure the free expression of the will of the voters. The Constitution governs the term of office of the National Assembly (4 years), President of the Republic (5 years) and the mayors and municipal councils (4 years).

1. *Which obstacles have been identified as preventing individuals from exercising the right to vote and which measures have been adopted to overcome them?*

According to Article 42(1) of the Constitution, the citizens placed under judicial interdiction or serving a prison sentence shall be deprived of the right to elect state and local authorities and vote in referendums.

1. *Is information on voter registration and on the electoral process (e.g. voting sheets) available in formats and languages, including minority languages, that render them accessible to all? Please provide examples.*

Under the current law, election campaigns shall be conducted in the official language of the country – the Bulgarian language.

1. *If voter registration is required how is it facilitated? Are education and registration campaigns organized prior to major elections?*

For the exercise of the right to vote, voter registration shall not be required. Citizens who are eligible to vote in a certain type of election shall be entered in the voter lists, which are compiled by the municipal administrations in the nucleated settlements, where a register of the population is maintained.

According to Article 56 of the Election Code, the Central Election Commission shall establish a Training Unit, which is to organise and conduct the training of the members of election commissions. The Unit’s composition, method of constitution and functions as well as the training curriculum shall be governed by rules adopted by the Commission. The rules shall be published on the Internet site of the Commission.

Pursuant to Article 57, point 32 of the Election Code, the Central Election Commission shall provide information, organize and conduct, through the mass media, awareness campaign on the rights and duties of citizens in the preparation and holding of the election, including voting by a voting machine ballot; the awareness campaign shall begin no later than 15 days in advance of the expiry of the relevant period, from which the rights and obligations of citizens in relation to elections arise.

1. *With respect to the right to vote and to be elected, how are the rights and needs of members of specific groups (women, person with disabilities, minorities, indigenous people, first-time voters, etc.) taken into account?*

The Election Code regulates preferential conditions and procedures for the exercise of the right to vote by voters with permanent disability that prevents them from exercising their voting right on the polling site. These voters have the opportunity to vote by means of mobile ballot boxes at their homes.

In terms of voters with sight or mobility disabilities, the election administration is obliged to disclose in an adequate manner the measures to allow these voters to vote on Election Day.

In the elections of National Representatives, of President and Vice President of the Republic of Bulgaria and of Members of the European Parliament for the Republic of Bulgaria, pupils or university students shall have the option to vote at the polling station of the community, where they study when it is different from the community of their permanent address.

1. *What are the legal restrictions to the right to stand for election in your country, if any? Which practical obstacles have been identified in relation to the right to be elected? Which measures have been put in place to overcome these obstacles?*

The right to be elected President and Vice President shall be vested in any Bulgarian citizen by birth that has attained the age of 40 years, is eligible to be elected national representative and has resided in the Republic of Bulgaria at least during the last five years.

The right to be elected Member of the European Parliament for the Republic of Bulgaria shall be vested in any Bulgarian citizen who has attained the age of 21 years by Election Day inclusive, is not interdicted, is not serving a custodial sentence, has a permanent address in the Republic of Bulgaria, and has resided in the Republic of Bulgaria or in another Member State of the European Union at least during the last six months.

Furthermore, any citizen of a Member State of the European Union, who has attained the age of 21 years by Election Day inclusive, is not interdicted, is not serving a custodial sentence, is not deprived of the right to be elected in the Member State of which the person is a citizen, enjoys a long-term or permanent residence status for the Republic of Bulgaria, has resided in the Republic of Bulgaria or in another Member State of the European Union at least during the last six months has the right to be elected Member of the European Parliament for the Republic of Bulgaria.

The right to be elected a municipal councillor or mayor shall be vested in any Bulgarian citizen who has attained the age of 18 years by Election Day inclusive, is not interdicted and is not serving a custodial sentence and has resided in the respective nucleated settlement for at least the last 6 months.

The right to be elected municipal councillor shall furthermore be vested in any citizen of a Member State of the European Union, who is not a Bulgarian citizen, does not hold the citizenship of any State which is not a Member State of the European Union, has attained the age of 18 years by Election Day, is not interdicted, does not serve a custodial sentence, enjoys a durable or permanent residence status for the Republic of Bulgaria, has resided in the respective nucleated settlement for at least the last six months, and is not deprived of the right to be elected in the Member State of citizenship.

To ensure inviolability of the candidates the electoral legislation provides that in the period between registration day and the announcement of the results of the elections the registered candidates shall not be detained or constituted as accused parties except in case of a committed indictable offense and following an authorization by the Central Election Commission based on a reasoned request on the part of the Prosecutor General.

Pursuant to Article 158 of the Election Code servicemen in the armed forces, employees in the Diplomatic Service, employees of the Ministry of Interior, National Intelligence Service, National Service for Protection, State Agency “Technical Operations”, civil servants in the State Agency for National Security, judges, prosecutors and investigators, as well as other persons, whose membership in political parties is prohibited by law, shall not be nominated or registered as candidates on behalf of political parties or coalitions. Such citizens can participate in elections as independent candidates.

1. *What positive measures have been taken to ensure that women, members of minorities, indigenous peoples, persons with disabilities and members of other disadvantaged groups are able to stand for elective office?*

Equality before the law is a fundamental principle in the Constitution and current legislation of Bulgaria. All citizens are equal before the law without discrimination on grounds of sex, race, ethnicity, nationality, origin, religion or faith, education, beliefs, political affiliation, personal or public status, disability, age, sexual orientation, family status, property status, or any other grounds provided for by law or international treaties, ratified by the Republic of Bulgaria.

1. *What measures (including legislative measures) are in place to ensure that candidates for elective office not faced with discrimination, harassment, and violation of their rights to freedom of opinion, expression, assembly and association?*

An agreement between the Central Election Commission and the Council for Electronic Media determines the scope and parameters of electronic media monitoring, and the principles and norms regulating media behaviour in the area of election legislation during election campaigns.

1. *Please explain how possible interferences with the electors’ will and with voter or candidate registration are avoided. Is undue interference prohibited by law? How does the State ensure effective access to judicial and other remedies in case of violations?*

Interference in the will of voters is inadmissible. The right to vote is exercised by the voter secretly and personally, the presence of other persons in the voting booth shall be excluded during the vote. An exception to this rule shall be allowed only in cases where the voter is with sight or mobility disabilities cannot carry out the necessary actions in the voting and needs an escort.

In case of violation of their electoral rights, citizens may appeal against illegal actions and appellate proceedings shall be free of charge.

*Equal access to public service*

1. *What are the conditions for access to public service in your country? Do any restrictions apply? How is the requirement for equal access met?*

Bulgarian legislation does not contain any restrictions on citizens’ access to different types of public services. (See answer to question 12.)

1. *How does the State ensure that recruitment processes used by government authorities and political associations are transparent, objective and reasonable? Which measures (e.g. temporary special measures, quotas, etc.) are in place to ensure the equal recruitment of women, minorities, persons with disabilities and members on other disadvantaged groups?*

The principle of equality of citizens before the law guaranteed by the Constitution of the Republic of Bulgaria is reproduced everywhere in the national legislation. The terms and procedures for employment in the public administration system shall be the same for all Bulgarian citizens, regardless of their gender, ethnicity, national origin, religion, political beliefs or property status.

Bulgarian citizens shall have the right to freedom of association. All parties shall facilitate the formation and expression of citizens’ political will. The right to participate in political life shall be personal and individual.

1. *Please state if are restrictions imposed on the rights contained in art.25 of ICCPR in your country? If so, how does the State ensure that these restrictions are non-discriminatory, exceptional and based on reasonable and objective criteria?*

The legislation lays down a restriction on passive suffrage for Bulgarian citizens who are placed under judicial interdiction by a final court ruling.

As regards active suffrage, Article 42(1) of the Constitution stipulates that all citizens, who have attained the age of 18 years, with the exception of persons placed under interdiction or persons serving a custodial sentence, shall have the right to elect central and local government authorities and to participate in referrals to the people.

As regards passive suffrage:

According to Article 65(1) of the Constitution of the Republic of Bulgaria eligibility for the office of National Representative shall be limited to Bulgarian citizens who hold no other citizenship, who have attained the age of 21 years, who are not interdicted, and who are not serving a custodial sentence.

Eligibility for the office of President shall be limited to natural-born Bulgarian citizens who have attained the age of 40 years of age and who possess the electoral qualifications requisite for National Representatives, and who have been resident in Bulgaria during the last preceding five years (Article 93(2) of the Constitution).

In terms of passive suffrage for the election of mayors and municipal councillors – Article 397 of the Election Code shall be applicable.(See answer to question number 2.)

1. *The full enjoyment of the rights protected in article 25 of ICCPR requires respect for the rights guaranteed in articles 19, 21, 22 of ICCPR. In this regard, what legislation is in place to ensure an independent and pluralistic media? Are journalists, human rights defenders and civil society organization able to freely pursue their activities? Please provide information on restriction to freedom of association, in particular the right to form and join associations concerned with political and public affairs? If there are any conditions to the exercise of the rights guaranteed in articles 19, 21 and 22 of ICCPR, are they prescribed by law, necessary and proportionate?*

Associations of citizens shall serve to meet and safeguard their interests.

Freedom of association is guaranteed in Article 44(1) of the Constitution.

Everyone has the right to express an opinion or to impart an opinion by means of words – either in writing or orally, through sound, image, or by any other medium. This right shall not be used to the detriment of the rights and reputation of others, or for incitement to a change of the constitutionally established order by force, to the commission of criminal offences, or for incitement to animosity or to personal violence.

The press and the other mass communication media shall be free and shall not be subjected to censorship. A suppression and seizure of a print publication or of another information medium shall be admissible solely in pursuance of an act of the judiciary, by reason of moral turpitude or incitement to a change of the constitutionally established order by force, to the commission of a criminal offence, or to violence against the person.

The Council for Electronic Media (CEM) shall maintain a public register of the electronic media, which contains information about their shareholders and managers. When applying for a license or registration to CEM, the applicant shall submit a declaration that he/she has no share in radio and television broadcasters in violation of antimonopoly legislation. The Law on mandatory deposit of printed and other types of publications obliges print media to send information about their actual owner to the Ministry of Culture, which shall publish the received declarations on its official website.

1. *Please provide information on measures taken to ensure that information and education materials on human rights, in particular on rights and opportunities relating to participation in public and political affairs, are available and accessible to all.*

Please, see answer to question 12.

1. *Please provide information on how your country ensures that its public institutions are accountable for their policies on public and political participation.*

Public institutions’ accountability is guaranteed through the obligation all drafts of legal acts on public participation to be published on the official website of the Government and the relevant department/institution.