National Action Plan

Bulgaria
This National Action Plan is developed in the framework of the European Civil Society Involvement Project - CSIDP, financed by the European Commission, DG Home.

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The drug policy in Bulgaria is mainly determined on the basis of the Narcotic Substances and Precursors Control Act (NSPCA) as of 1999, which settles control over narcotic substances, measures against abuse and illegal trafficking and application of the obligations of Bulgaria on international agreements and regulations. Regulatory provisions which regulate the operation of the treatment, rehabilitation, prevention and harm reduction programs exist.

According to NSPCA, National Council on Narcotic Substances (NCNS) has been established in the capacity as a body for “conduct of national policy against narcotic substances abuse, as well as for combating narcotics trafficking” (NSPCA, article 10). The Council has the task of determining and coordinating national policy in the area of narcotic substances and precursors, by drafting and proposing to the Council of Ministers national strategies for combating narcotic substances abuse and against illegal trafficking with narcotic substances. It has the powers to propose a draft budget for conduct of national policy in this area, to propose drafts of regulatory acts, related to narcotic substances and precursors, and to coordinate international activities and obligations of our country in the area of narcotic substances.

Members of the Council consist of representatives of the state administration. According to the law, the Council may also include in its meetings representatives of NGOs, treatment establishments and other organizations, but this practice has rarely been applied in its 18 years of existence. It holds closed meetings, and the minutes of meeting posted online mostly contain short information about the agenda items.

In practice, the possibility of representatives of civil society and professional community to interact with the Council and to bring their own views and problems to the attention and the focus of the work of the Council is severely limited. Due to its insulation, the Council does not play a key role in taking important political decisions as regards to narcotic substances, by way of example changes in the Penal Code in 2004 and 2006, regarding penalties for possession of narcotic substances. The latest National Strategy for Combating Narcotics 2014-2018 has been established and adopted by the Council without the involvement of civil society and the professional community.

On a local level, in district centers in the country, District Councils on Narcotic Substances exist, which “provide and coordinate the performance of municipal programs for combating narcotic substances abuse” (NSPCA, Article 15). According to the situation in the particular town, in certain places these councils include representatives of NGO, and in other places they do not. Even where NGOs do take part, they do not have the capacity to influence directly the process of political decision-making, because district councils do not create national policy, and instead they only support local actions, mostly in the area of prevention.

In the last 20 years, there have been many examples of civic activity as regards to the narcotics policy in Bulgaria – for example in the multiple changes (or attempts at changes) in the penal policy as regards to drug possession (2004, 2006, 2014), in the formation of a work group and presenting a civic platform for introducing change in the policy (2012), in advocacy for introduction of cannabis for medical purposes (2012-2015), in the
involvement of NGOs in the drafting of ordinances referring to the treatment, prevention, rehabilitation and harm reduction, as well as other examples. What is absent, however, is consistency and unification of civil structures. Their activeness so far has been more or less sporadic and campaign-based, rather than consistent and coordinated. Probably other than the relative inexperience of NGOs in the policy area, the reasons for this are also rooted in the unstable financial environment, in which NGOs committed to work in the drug area constantly decrease in number.

In this context, at the end of 2016, the international project „Civil Society Involvement in Drugs Policy“, financed by the European Commission and coordinated by Foundation De REGENBOOG GROEP, the Netherlands, has been launched. The project unites partners from 7 European countries (the Netherlands, Germany, Portugal, Italy, Bulgaria, Slovenia and Ireland). The project has the objective of removing the barriers obstructing the provision of quality involvement of civil society in the development and application of policies on narcotics on a national and European level. For this purpose, within the project framework, an evaluation of the activities and methods for civic involvement in Europe shall be drafted, a road map with guidelines for successful civic involvement shall be prepared, action plans in different countries shall be applied, through which certain initiatives are being piloted.

In Bulgaria, the Initiative for Health Foundation and Movement ‘Promena’ are partners for the project. In 2017, they have developed an action plan outlining specific steps, which have the objective of improving civic involvement in the drug policy in Bulgaria. This report presents the activities performed within the plan, the deliverables thereof, and certain conclusions and recommendations.

The Action Plan has been formulated in 2017 with methodological guidance by Ana Liffey Drug Project from Ireland. The plan drafting process started with the initial formulation of ideas by a team of Initiative for Health Foundation and Movement ‘Promena’, with the purpose of having them be discussed by a wider range of stakeholders from the civil sector. At a discussion meeting organized as regards thereto, a total of 15 organizations have been invited, out of which a total of 6 were in attendance.

At the meeting, the needs and the possibilities for action have been discussed, and additional ideas have been generated. All stakeholders united around the idea that the priority is inclusion of civil society structures in the work of NCNS, ‘opening’ of its meetings for the stakeholders, improving transparency of NCNS through publication of more information for its operation.

The completed draft plan has been coordinated by e-mail with the organizations which did not attend the discussion meeting, out of which a total of two organizations responded. The plan has also been discussed with the international partners of the project at a meeting held in Dublin in June 2017.

The finalized action plan included activities in two directions:

**Pillar 1 – Structural Issues**

Establishing a mechanism for CS participation
in the work of NCNS with a special emphasis on transparency.

Stipulated activities:

1. Analysis of the legal framework and the practice for participation of civil society in the work of NCNS.
2. Conduct of a series of meetings with stakeholders, including NGOs, members of NCNS and the Minister of Health and discussion of possibilities for strengthening civic participation.
3. Drafting and application of a mechanism for civic involvement in the work of NCNS.

Pillar 2 – Process Issues

Creation of a platform for information exchange between civil society organizations regarding the decision-making process in the area of the drug policy.

Stipulated activities:

1. Creation of a database with stakeholder civil organizations, working in the area of the drug policy.
2. Creation and maintenance of a platform for information exchange between civil organizations for the activities in the area of the drug policy.
3. Organizing trainings on advocacy for activists from the country.

ACTIVITIES

The application of the action plan has started with an overview of the current situation as regards to the participation of civil society organizations in the work of NCNS. In order to gain specific concept in this regard, Initiative for Health Foundation and Movement “Promena” conducted a short study among NGOs and treatment programs, operating in the drug area, regarding their experience for interaction with NCNS, as well as their needs and attitudes for more active civic involvement in its work.

The study has been conducted with the aid of a questionnaire, held by e-mail, face to face and over the phone, during the period 01.03 – 30.03.2018. The questionnaire has been sent to 27 organizations, out of which 20 responded. The organizations contacted have been initially selected through an Internet research and a professional circle of contacts of the Initiative for Health Foundation and Movement “Promena”, and subsequently – using the “snowball” method.

Organizations who have responded to the questionnaire shall be allocated as follows (three of the organizations have indicated more than one option):

- NGOs working in the area of prevention, rehabilitation, harm reduction – 15;
• Non-government or private organizations, operating in the area of democracy and civic involvement – 4;
• Non-government or private organizations, operating in another area (policies, research operations, patient rights) – 2;
• Private organizations, providing treatment of dependencies – 2.

Thirteen of the organizations are Sofia-based, and seven are based elsewhere in the country. Most of the organizations (14 out of 20) define their scope of activity as a national scope. Three organizations have scope of activity in Sofia, and four – in another district center. The serious professional capacity of the organizations is also evidenced by the duration of their experience: 12 of the organizations have existed for 10 or more years, and six of them have existed between 5 and 10 years.

A report has been drafted, which presented summarized results from the study. The objective of this report was to indicate the currently existing experience in the organizations of civil society, the operation of which is in the drugs area, in their interaction with the National Council on Narcotic Substances, as a body for the conduct of national policy in the area. Their needs, attitudes and proposals for improving this interaction have been summarized.

The following conclusions have been made in the report from the study:

1. The respondent civil society organizations in general are familiar with the functions and the structure of the National Council on Narcotic Substances.

Their concept about its real operations is too vague however. This is a worrisome fact, given that only organizations with narrow focus in the area of drug policy, with long-standing experience and well-known to the public and in the professional community have participated. The reasons for this low level of awareness, on the one hand, may be attributed to the inactivity of the organizations themselves, but on the other hand, having regard to the opinions expressed overall in the study, they are most likely rooted also in the confined manner of operation of the Council, in its low levels of transparency, as well as in former disappointing experience of these organizations in their interaction with the Council, which have resulted in discouraging.

2. The interaction so far between NCNS and civil society organizations may be evaluated as extremely insufficient.

Only 35% of the respondent organizations have had such interaction over the years, and the ones who are sharing such interaction have reported that the initiative is almost always one-sided. Feedback from the opinions, invitations and other communication to the Council, provided by civil society organizations, is defined as dissatisfactory. Of particular concern is the non-involvement of civil organizations in the drafting, implementation and evaluation of the National Strategy for Combating Narcotics 2014-2018, in which civil society is designated as an important participant in principle.

These findings create the image of parallel and unrelated activity of state bodies and the civil sector in the areas of drug prevention, rehabilitation and harm reduction, as well as regards to decision-making and conduct of policies. This seriously questions the adequacy both of the national drug policy, which is evidently conducted without
sufficient level of commitment with the needs and the issues of the public, and of the activities conducted by civil organizations, which have insufficient level of coordination with the priorities of the government. Such a non-coordinated manner of work is contrary to the objectives of the European and the Bulgarian drug policy, and does not match models of good governance.

3. There is a level of interest and readiness in the interviewed organizations for active cooperation with the National Council on Narcotic Substances on a wide range of topics. The organizations consider that their specific expertise in various areas shall be taken into consideration, and it could be of benefit to the work of the Council in the decision-making process. There are different proposals regarding the manner that civic involvement in the work of the Council may improve, but could be summarized in the following manner:

- The leading opinion is that the meetings of the Council shall be open, and specific proposals have been made for preliminary disclosure of the date, time and the agenda, registration for the participation of outside organizations and experts, and other facilitating procedures.

- The need of improved transparency of the operation of the Council is stated expressly through regular publication, and not just of minutes of meetings, but also concurrent documents, such as reviewed reports and opinions, transcripts, etc.

- The proposal for creation of expert and/or advisory commissions from civil structures which operate directly in the drug or policy area is widely covered. Such commissions may support the operation of the Council, but may also be used for synchronization of the decisions taken with the real needs of the community. They would create a good channel for placing the agenda of the Council of “field problems” based on the principle “bottom to top”, and could diminish the currently existing chasm between state institutions and civil structures as regards to the drug policy.

- The proposal for establishment of official membership of NGOs in the composition of the Council is less prevalent. There are several reasons for this: on the one hand in the expectation that such a membership is expected to be formal, without a real possibility for impact; on the other hand in the risks resulting from the method of selection of NGO members; on the third hand, in the need to change NSPCA, which is more difficult to achieve and it shall take a lot of time.

The report from the study has been sent to the Secretary of NCNS and to other civil organizations in order to be used as a reference point for discussion of possibilities for undertaking actions. It was followed by a series of meetings with key partners, which could contribute to ideas about future steps or support such ideas. The teams of Initiative for Health Foundation and Movement ‘Promena’ have conducted six meetings of this type: two meetings with representatives of the Ministry of Health and four meetings with representatives of NGOs, which do not operate directly in the area of drugs, but in the area of civil society’s development.

On May 31, 2018, a public discussion has been held in Sofia, with the objective to discuss possibilities of improving the participation of NGOs and citizens in the work of institutions creating the drug policy in Bulgaria. During the meeting, the results of the study conducted have been presented, and a moderated discussion has been held regarding the need and possibilities for improvement of the cooperation between NCNS and the civil sector, as
well as regarding the specific methods and steps for this to occur. 22 participants attended the event, among which representatives of the National Council on Narcotic Substances (NCNS) and other committed institutions in Bulgaria, as well as of civil organizations and treatment programs.

During the meeting, an agreement has been reached for inclusion of representatives of the non-government sector in the work group, which is appointed for development of a National Strategy for Combating Narcotics 2019-2023. Such an involvement of NGO in the work for development of a national drug strategy is a precedent. Different alternatives and proposals have been discussed for providing civic involvement in the work of NCNS, and a commitment has been undertaken for drafting a proposal for regulatory changes with motives, which would be presented for discussion by NCNS. Significant portion of the discussion has been dedicated to the matter of effectiveness of the current drug policy and the need of regular evaluation. Proposals have been provided for more receptivity to ideas by the civil sector, more active feedback to its representatives regarding the proposals made and the inclusion of its representation in the evaluation of the effect of the policies and programs applied as regards to drugs. Ideas have been generated for priorities which shall be used in the drafting of the pending National Strategy for combating Narcotics for 2019-2023.

As the direct result of the public discussion, in June 2018 an invitation has been sent by NCNS to civil society organizations to nominate their representatives for inclusion in the work group on drafting of a National Strategy for Combating Narcotics 2019-2023. Three nominations have been sent, and two representatives are expected to become part of the work group.

In July 2018, a team of Initiative for Health Foundation and Movement "Promena" has drafted a proposal for regulatory changes, which has been supported by 14 organizations, and has been presented to the Minister of Health in his capacity as Chair of NCNS.

The proposal contains two drafts of regulatory changes: long and short-term. In the short term, the proposal stipulates a change in the Rules for the organization and activity of NCNS, by introducing a procedure for preliminary registration of civil organizations (including NGOs and treatment establishments), who could take part in meetings of NCNS. They should be able to have most of the members' rights, including proposing inclusion of items in the agenda, providing opinions on the discussed matters and speaking in meetings. In the long term, the proposal stipulates a change in Narcotic Substances and Precursors Control Act, through which a full membership of civil organizations in the board of NCNS would be introduced.

The development on the proposals made is expected to occur after presenting this report. The team which has drafted the proposals is available for meetings and discussions with the management and the members of NCNS, which are expected to happen at earliest in September 2018. In this regard, this report may be supplemented with information prior to the conclusion of project CSIDP.

As part of the implementation of the action plan, certain activities have been undertaken to improve the exchange of information between civil structures. The process on finding respondents for the study was associated with identification of a maximum wide range of stakeholders from the civil sectors. An Internet study has been conducted for organizations operating in the drugs area from all over the country, and a total of 20 organizations have been identified. Subsequently each interviewed respondent has been asked to indicate
three other organizations in this area.

The high repeat rate of the organizations listed in the 'snowball' was visible, which confirmed the expectation that in general the number of NGOs engaged in the area of narcotics is very limited. Thus the number of identified organizations has reached 38. Out of them, 27 have been invited to fill in the questionnaire, and all respondents have been asked whether they are interested in being included in future actions for improvement of the civic involvement in the narcotics policy. On the basis of this, a mailing list has been created, which shall be used for sending further information related to the conduct of the public discussion, support of the regulatory changes and other current matters.

In addition to this, Movement 'Promena' is the administrator of a Facebook group with 51 activists, which is used for regular exchange of information related to the work of NCNS and any processes referring to the drug policy in Bulgaria. All activities on the project CSIDP are disseminated through the group. Information shall also be published on the internet and Facebook pages of Initiative for Health Foundation.

As of the time of drafting this report, no actions have been undertaken on the implementation of the latest activity included in the action plan, namely training of activists in Bulgaria. The report may be supplemented with deliverables for this operation, prior to the conclusion of project CSIDP in November 2018.

DIFFICULTIES AND SUCCESSES

The main difficulty in the performance of the action plan has resulted from the small number of stakeholders and in general low levels of civic activity as regards to the drug policy. Organizations which operate in the area of use of drugs are few in number, with weak support, and in most cases financially unstable. This makes them with low level of engagement and discouraged as regards to organizing civic actions. Organizations operating in the area of democracy and civic involvement are more experienced and stable, but the drug policy is often at the margins of their competency and interest.

We can outline three main things as successes in the implementation of the action plan:

1. The achieved agreement for inclusion of NGOs in the work on drafting the new national drug strategy, which has happened for the first time in the drafting of a national strategy or a program in the area of drugs in Bulgaria;

2. The excellent level of dialogue achieved during the public discussion, which has been evaluated very highly by all participants. Such public discussions with the participation of NGOs and NCNS have been conducted very rarely, and so far never on the topic referring to the participation of civil society in the drug policy. Despite the expectation for difficult and strained communication, the well-organized and moderated discussion has left a sense of satisfaction in the participants on both sides.

3. The real development and filing specific proposals for regulatory changes to NCNS. Despite the fact that development on the proposals filed is still pending, we have a positive expectation, because submission of the proposals had been preceded by talks held in advance, studying of the needs and consultation with a wide group of stakeholders.
The work on project CSIDP and specifically on the action plan addressed one underdeveloped area of public life in Bulgaria. To this end, the activities hereunder are very necessary, but they are facing a series of problems that have not been settled until this time. Low levels of inclusion of civil society in the decision-making process in Bulgaria is a problem in many areas, but particularly in the area of drug policy, due to strong social stigma and prejudices, which drive the decision-making process in this area.

Overall, the civil society in Bulgaria has progressed gradually in the last two decades, but it has not yet reached a satisfactory level of development.

Several main barriers exist in this regard:

- NGOs are **unsustainable** and strongly dependent on international financing and short-term projects.
- Frequently NGOs are **not unified into coalitions and networks**. There are certain good examples in this regard in areas such as children care, social services and environmental protection, but there are no such associations in the area of drug policy.
- There is mutual mistrust between NGOs and the administration, which is being overcome gradually, albeit slowly.

As regards to the drug policy, there have been no traditions for involving NGOs in the decision-making process, because it is lead more by a policy of control and “protection of national security”, rather than by the idea to support the society and build partnership with affected individuals. Rethinking the philosophy of the drug policy in Bulgaria is required – from preservation of commitments under international conventions toward preservation of public health and wellbeing. Only then NGOs will become a needed and sought-after partner to the administration.

On the other hand, civil structures shall have better recognition and value if there is a visible outcome from their work and their proximity to the affected communities. Practical achievements from their work with communities and the “bottom-up” expertize shall be showcased to and recognized by the administration. To this end, sustainable investments in the capacity of NGOs are needed. Civil structures also need to have permanently effective mechanisms for participation in policy and for mutual interaction. Sporadic, project-based or campaign-based civil actions have poor and non-sustainable results.

The good examples which could help in this regard are coming from international partnerships and European practices. On a local level they are related to the positive example of civil unions in the social and environmental areas.