



Mission So Possible: Investigative Journalism in Bulgaria

Overview

It sounds like a paradox, but the worst performing country in the European Union when it comes to media freedom is, technically speaking, a good place for investigative journalism. Bulgaria has operational and cheap public registries, Politically Exposed Persons (PEPs) declare their assets and conflict of interests, public procurements can be tracked online and if one is not happy with the available information, they can contact any public institution via simple email, referring to the Freedom of Information Act, one of the best crafted transparency laws in Europe. Even financing journalistic investigations is not such an insolvable dilemma: a number of local and international foundations are keen on supporting quality investigative reporting in Bulgaria on project basis, and new crowdfunding models are emerging.

For a motivated journalist in Bulgaria it is easy to detect, investigate and collect proof of corruption and abuse of power. But currently, when making their findings public, instead of a gratifying applause, journalists encounter great chances of hitting a wall of silence, facing authorities with “eyes wide shut”, or even worse: being followed, intimidated, discouraged through smearing campaigns and labeled “Enemy of the State”.

The reasons are classic - corrupt editors and publishers, self-censorship, pressure from the authorities and media ownership concentrated in the hands of oligarchs, who are using the press like “media bats” to gain control and punish the few defiant ones.

This said, in such a difficult context, investigative journalism in Bulgaria is not dead yet. It even shows signs of being in good shape. Thanks to the wise use of the technologies, investigative reporters can continue their work and even bypass the wall of silence, spreading their findings among the public through social media and gaining popularity that makes the uncovered issues ineludible for the mainstream media and the authorities.

Legal framework

Freedom of speech and free press in Bulgaria are guaranteed by law. Article 39 of the Constitution of Bulgaria states that everybody is free to express and distribute their opinion by any mean - in verbal or written form, through any media, and Article 40 declares mass

media free of State control. There is a State-run watchdog for radio and television - the Council for Electronic Media, but print and online media are not regulated at all. Self-regulation is implemented through the Ethical Code of Journalists. A special Ethics Commission examines disputes and complaints against media that don't respect the code and issues warnings. Two journalistic associations are tasked with activities in defense of reporters rights: The traditional Union of Bulgarian Journalists, dating from the time of the Communist regime, and the much more present and visible Association of European Journalists.

However, after MP Delyan Peevski gained control over a large number of media outlets, the latter decided to abandon the Ethical code and promote their own version of a self-regulation body. The same happened with the Publishers Union and now Bulgaria has two of them: The Union of Bulgarian Publishers and the one run by Peevski and his circle.

Investigative reporting is particularly exposed to a Penal code article making it possible to prosecute a media or a journalist for libel, but to open such a case, there must be a civil complaint filed with the Prosecutor's Office. Hopefully, even if convicted, journalists cannot be imprisoned for libel. Civil and penal procedures are often used by State officials to pressure and financially exhaust journalists. In addition, a special clause in the Credit Institutions Act, punishing with huge fines media that publish incorrect information about financial institutions, was used a couple of years ago by the Financial Supervision Commission to intimidate national and regional media (Economedia, Zov News). A new danger on the horizon, backed by the EU regulations, is the possibility to impose huge fines on media outlets and freelancers that collect and process personal data - an unavoidable "sin" for any serious investigative reporting.

Registries

It has been pointed often that there is a collision between the privacy law and the need for transparency of public life. So far, the latter is prevailing and Bulgaria has a number of very useful public registries from the investigative journalists' viewpoint: Company Register, Property Register, Public Cadaster, Public Procurements Register, PEPs Declarations Register since 2005, and so on. A major advantage is the possibility to search these registries by names of individuals, a function that many countries, even in the EU, are not allowing in their respective public registries. In addition, the Bulgarian registries are either free, or ask for a very modest fee for access to records. Online payments are generally accepted.

Open Data

A couple of years ago, the Government of Bulgaria launched an initiative of publishing bulk data from all kind of registries on a special government-run portal: opendata.government.bg. In 2016, the entire data of the Company Register and the Public Procurements Register for the past ten years was published in machine-readable format. Since then, this open data is updated every three months.

Investigative journalists seized this opportunity, downloaded the data and built statistical tools for detecting serial public procurement winning bidders, businesses connected to PEPs' relatives and suspicious EU funds beneficiaries. The results were really impressive. A couple of multi-billion projects were stopped and reviewed after revelations that a small number of companies, connected to powerful oligarchs (Delyan Peevski, Valentin Zlatev), had been

winning the majority of public tenders in the infrastructure sector. This was a proof that the transparency of State institutions and open data are a key condition for tackling corruption and limiting abuse of taxpayers money.

Freedom of Information Act

First introduced in 2000, the Access to Public Information Act (ZDOI) has been upgraded through the years to allow more transparency and less administrative burden for citizens seeking records of activity and data from the institutions. ZDOI became an essential tool for investigative journalists. It is now possible to send a request through a simple email, even without a signature, and the information is generally provided for free.

In recent years, Bulgarian investigative journalists engaged in successful judicial battles against administrations that had refused to provide important public information for different reasons. Most often, when such disclosure of information can expose wrongdoing or corruption, the authorities are finding fallacious reasons to refuse access: breach of trade secrets of third parties or private information disclosure. Fighting these refusals in Court is worthwhile because, even if the cases takes months and years to resolve (and cost money), its success is paving the way for a faster and burden-free access to information in the future.

Bulgarian investigative outlets

The mainstream TV channels in Bulgaria each run an investigative journalism production, airing stories at least once a month - [The Investigation](#) on Nova TV, [The Sleuth Hounds](#) on bTV, and [Overtly](#) on BNT. Their investigations cover a large spectrum of issues - from healthcare through real estate theft to EU funds abuses. But the targets of these TV investigations are rarely, even never, members of the high echelons of power.

The few print editions not belonging to MP Delyan Peevski keep publishing good investigative stories and shaking the ruling establishment with much more stamina than their TV colleagues. This is particularly true for the “Capital” weekly and “Sega” daily newspapers. The once renowned for their quality investigations “24 Hours” daily and “168 Hours” weekly parted with their superb performance after the press group they belong to changed hands.

A number of online news media such as Mediapool, ClubZ, Offnews and [E-vestnik](#) are also publishing quality investigative stories. However, due to budget restrictions, they don't have dedicated teams of reporters working exclusively on investigations. The investigative pieces published in regional media are a rarity.

Several *ad hoc* teams, funded by grants for investigative reporting, have emerged and some of them remain active, among them “[Judicial Reports](#)”, specialised in the judicial system, or “[For the Truth](#)”. Others, like “[Journalists against Corruption](#)” and the Center for Investigative Journalism are no longer active, apparently because they had not been able to survive without the grant schemes when their funding ended.

Funding models

Private investments, government-distributed public money, grants and, recently, crowdfunding, are the main sources of money for journalism in Bulgaria. This situation is not

very different from other Central and Eastern Europe countries, where the media business is not self-sustainable.

It is well known that investigative reporting is an expensive journalistic activity. Big private media, focused on costs and benefits, are generally not keen on investing in long term investigative projects with a risky political outcome. Unfortunately, the publicly-funded TV and radio stations in Bulgaria are not a friendly place for sensitive investigation reporting either.

The Government of Bulgaria is one of the biggest media advertisers, using budget money, but also EU funds. This leads to a vicious circle: buying media comfort with public money and making media dependant from this distribution of public finances, and is dissuasive for conducting serious investigation activity.

Many print and online media are owned and funded by publishers, who have other businesses. While some of them maintain an independent editorial policy and produce quality investigations of great public concern, others are used by their owners to protect and expand their business or political interests. Media professionals can easily detect stories falsely presented as journalistic investigations, but that simply have the goal to blame or smear the competition or political opponents. This is much less evident for the general public that often cannot make this distinction.

In this context, different grant schemes from foreign donors like the Open Society Fund, the Norwegian Government, the America for Bulgaria Foundation, the Friedrich Newman Foundation, etc. have supported and continue to support teams of independent journalists to carry out short- and middle-term investigative reporting projects. But the question whether there is life after the end of the grant remains.

Last years a number of media, most of them online only, started testing crowdfunding, asking readers for a small financial contribution, while keeping their content open. This funding model is working and provides a precious cash flow for small teams working remotely, but cannot generate enough funding for a full-fledged media enterprise.

Media ownership, control and pressure

Producing quality journalistic investigations is not a problem for Bulgarian journalists. However, publishing them, gaining publicity and achieving the desired effect is a problem.

"It has often happened in my career as investigative journalist to hand to the editor a finished, accurately documented investigation that was never published," says the Director of the investigative site Bivol, Asen Yordanov, a reporter with over 25 years of experience in the profession. According to him, it is a practice for the editors to negotiate corrupt deals with the subjects of the investigations or to succumb to political pressure.

The above is an open secret. Recently, investigative journalist Vassil Ivanov also raised the issue of suspended or purposely failed investigations against political figures on the orders of the management of the TV channel for which he worked.

Political pressure in big media is either exerted directly, through their owners, or indirectly, through control by advertisers. In addition, the State has a powerful direct financial tool for controlling the media - the European money spent on advertising European funds.

Several years ago, a Bivol study in the ownership in Bulgarian media showed that over 80% of the media and major media outlets are controlled by individuals linked to the former structures of the Communist Secret Services. In recent years, there has been a marked concentration of ownership - three quarters of the press is in the hands of oligarch and lawmaker Delyan Peevski.

Investigative journalists are often subject to various types of pressure: from warnings, intimidation, "Sicilian" messages and defamatory campaigns to physical assaults on them and their property. Fortunately, no investigative journalists have been killed in Bulgaria for their work, but there are documented murder plans and attempts, cruel, execution-style, beatings, car arson and bombs targeting investigative reporters.

Not a single case has been solved and nobody has ever been charged by the public prosecution for assault on journalists, but the State itself has a shameful record of administrative and judicial assaults on investigative reporters. And we are not even counting here the numerous libel cases that PEPs have initiated against journalists.

The practice of the Prosecutor's Office to hush or crush official investigations, initiated on facts and evidence of corruption and abuse of office from investigative stories, is also demotivating, especially when it comes to political corruption in the high echelons of power.

However, thanks to modern technology, silencing and ignoring important and publicly significant investigative stories are becoming more and more difficult. Independent platforms for online publications and their distribution on social networks are also playing a crucial part. The "Streisand Effect", whereby authorities attempt to mute or diminish the effect of serious journalistic investigations, also works in the interest of journalists.