

# IFLA/FAIFE World Report: Libraries and Intellectual Freedom



## Bulgaria

01-07-1999

Today the Bulgarian society is convinced that the success of the difficult transition from totalitarianism to democracy depends on the individual citizen's motivation to participate in this process. The forming of the new value system based on a respect to intellectual freedom, on a regard with individual rights and freedom of every human being, has a principle meaning.

<b>Population:</b>	8,468,000 (1996)
<b>GNP per capita:</b>	\$ 1,190 (1996)
<b>Government / Constitution:</b>	Republic
<b>Main languages:</b>	Bulgarian
<b>Main religions:</b>	Orthodox Christianity and Islam
<b>Literacy:</b>	98% (1995)
<b>Online:</b>	2,57% (July 2000)

### **ULISO's role during the first years of transition to democratic society**

In May 1990, only a few months after the beginning of the dramatic changes in Bulgaria, the Bulgarian librarians formed for the first time their own professional union of library and information services officers - ULISO with a democratically elected chair. It was a very turbulent time. The country divorced from its own past, and was eager for democracy. The librarians also wanted changes. They wished a new kind of library, not an ideological institution but a center for access to information for all citizens without regard to their party participation, ethnic, educational or cultural differences.

While working on the Statute and on the Program of ULISO the Universal Declaration of Human Rights had not been even published yet in Bulgarian language. Nevertheless all of us knew about it and everybody had found a way to read it. Exactly in the spirit of the famous 19th article we formulated the basic goals of our professional union. Depoliticization and de-ideologization of the library and information activities in the country and the equal access to information resources for all readers were pointed in the Program of the organization between the most important tasks.

### **Liquidation of restricted access and storing regime collections**

One of the painful problems for the librarianship in the totalitarian society was the existing of the collections with a restricted access and storing regime. They contained banned from the authorities literature that could be read only with the permission of the library and its use was controlled by the secret services. The names of the users were registered to be known who and when read these banned books.

In 1989, only several weeks after the beginning of the changes the commission of library specialists in the Cyril and Methodius National Library took a decision for a liberalization of the access to these collections. The books were joined to the general library collection and the bibliographic records were included in the reader's catalogue. The example of the National Library was followed by other libraries in the country. ULISO encouraged this process.

### **Access to secret documents collections**

The next step in the same direction was to ensure the access to document collections which were made secret by the military authorities during the socialist period /1951-1990/. These documents were deposited in the National Library according to the Legal Deposit Law but were not accessible. They also were not registered at the Current National Bibliography /CNB/ and users had not information about them. After an expert evaluation a big part of these documents were included in the general library collection. The bibliographic records had been given to the users as an application to the CNB and as a specialised bibliographic database.

These were the first initiatives of the library community in Bulgaria to eliminate the restrictions in the access to library collections for all users. These initiatives testified to forming of a new professional cognition based on a conviction that every citizen has a right for information. The ULISO program documents played a role of professional code for Bulgarian librarians.

### **The Constitution as a base for legislative protection of individual's rights**

Human rights have been regulated by the Constitution of Republic of Bulgaria. In 1991 passed a new constitution which main goal was to create a legislative state and civil society. Several important international agreements, legally ratified and became effective in Bulgaria, were taken into consideration during its preparation:

- Universal Declaration of Human Rights /1948/
- International Covenant on Civil and Political Rights /1966/ with Faculty Protocol. Ratified in 1970 and became effective in 1976.
- International Covenant on Economic, Social and Cultural Rights/1966/. Ratified in 1970 and became effective in 1976.
- European Convention for the Protection of Human Rights and Fundamental Freedom /1950/. Ratified and became effective in 1992.

According to the 5th Article of the Constitution the ratified and effective international agreements are considered as a part of the internal country law. They have a priority over contradictory internal legal regulations. Human rights, protected by these international agreements become also Bulgarian citizen's rights. The legislative, the executive and the legal authorities are obliged to take into consideration the decisions of European Court of Human Rights in Strasbourg.

### **Protection of the intellectual freedom by Constitution**

The Constitution deals with three mutual connected concepts: human rights, civil rights and individual rights. The 6-th Article, paragraph 1 points that all people are born free and equal on dignity and rights at country law.

The object of the Chapter 2 of the Constitution are basic individual rights - existential, social and political. The guarantees for intellectual freedom have a special meaning for the libraries:

#### *The right for free opinion and expression*

Article 37 announces the freedom of conscience, the freedom of mind and the choice of religion as un-impairable individual rights. Article 39 declares the right of opinion for every person and possibility for free expression in every way: written, by word of mouth, by sound, by image or otherwise. The right of public expressed opinion means a right of the speech, of the press and of the electronic media. Article 40 gives the constitutional guarantee that the press and other mass communications are free and are not object of censorship.

#### *The right of information*

Article 41 gives a special order about right to information. According to the paragraph 1 everybody has right to look for, to receive and distribute the information. In paragraph 2 of this Article is fixed another side of the right to information - the citizens have right to demand and receive the information from the state authorities or institutions when this is of their legitimate interest. The right to information is a basic right for Bulgarian citizens but it is not an absolute one. The frames are outlined by the Constitution. And one more specific: The right to information is not only personal but is public also. That means that the contemporary democracy is inseparable from the public discourse - a free exchange and free opinion clash.

The Bulgarian constitution gives strong constitutional guarantees to protection of intellectual freedom and possibilities for Bulgarian librarians to provide without restrictions access to the available information resources.

### **Bulgarian cultural legislation and the access to information**

On the 1st of June 1999, the law of the protection and development of culture passed. The principles of the national cultural policy were defined in it - democracy, freedom of the art and non admission of censorship, equality of rights for artists and cultural organizations, preservation and enrichment of the cultural historic heritage, encouragement of the cultural variety and preservation of the unity of the national culture. The conceptions of cultural organization and cultural institute were defined and the parameters of their activities, managing and financing were outlined. The general frame for the development of the Bulgarian culture in the market economy surrounding and democratic society was outlined by this law.

The law of the protection of culture should calm the alarms of the Bulgarian public about the future of Bulgarian culture which was badly damaged by the economic crisis in the country after 1989. It does not pretend to resolve the problems of all cultural institutions. The creation of the special laws for the separate cultural institutions including libraries lies ahead.

### **International agreements in the field of culture, ratified and effective in Bulgaria as a base for international information exchange**

Bulgaria ratified a number of international agreements in the field of culture, which ensure possibilities for free exchange of ideas, for spreading the knowledge of culture and history of European people, for preservation and protection of cultural heritage, for development of cultural exchange. The most important of these documents are: *European cultural convention /1964/*, *Paris Convention on international exchange of publications /1958/*, *Convention on international exchange of official documents /1958/*, ratified and became effective in Bulgaria since 1964.

In 1997, none of the less with a big delay, Bulgaria jointed to the *Florence Agreement for the import of educational, scientific and cultural materials /1950/* and to its *Protocol /1976/*. That act gave the possibility for excellent access to information and for the extension of the international dialog in the contemporary society.

### **Copyright and Connected Rights Legislation**

The creation of the contemporary copyright and connected rights laws has been of significant importance for Bulgaria. In 1993 passed such new law. It develops the ideas the ideas, based on Constitution /Article 54, paragraph 1/ for individual rights, which contain the freedom of art, scientific and technical creation. The law develops adequate legal mechanisms for the protection copyright and connected rights laws and limits possibilities for unscrupulously using of the author's work.

The Bulgarian law is in accordance with *Berne Convention on the Protection of Literacy and Artistic works /1886/*. To which Bulgaria joined in 1921 and with *Universal Copyright Convention /1952/*, ratified in 1974. In 1970 Bulgaria also signed *the Convention Establishing the World Intellectual Property Organization /1967/*. The international law protection for audiovisual materials' authors was guaranteed in 1995 when Bulgaria joined to *Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms/1971/*.

The Bulgarian copyright law includes a special chapter - *Free use of products*. The law makes provisions for limitations of the authors' rights in three case: for personal use, for educational and for research goals if this does not disturb the normal use of the woks and does not break without a reason the legal interests of authors. This chapter is of an exceptional importance for librarians since everyday they give to their reader's works that are protected by the copyright law. On the base of the pointed provisions, the readers could copy parts of the documents to satisfy their educational or research needs /chapter 23,paragraph 2/ and libraries could copy documents in order to archive and store them /chapter 23, paragraph 9/.

Development of the information society in Bulgaria and international exchange of information forced the acceptance of *Amendment to the Copyright Law Bill*. This bill makes provision for additional protection of electronic production and that fact has alarmed the Bulgarian library community during the last months. A number of librarians fear that the offered changes will destroy the fragile balance between authors' rights and the wide public that has been guaranteed by Bern Convention /chapter 9, paragraph 2/. The possibilities for the libraries to make digital copies in order to archive or store them and to deliver to another libraries electronically materials that are copyright and connected rights objects will be limited. The possibilities for the readers to make digital copies in the library for personal and educational aims and the distant access to digital materials will also be limited.

The Bulgarian librarians discussed the situation at a scientific conference in June 1999. They jointed their efforts to EBLIDA / European Bureau of Library, Information and Documentation Associations/ for corrections to *EU Directive to copyright* and insisted to observe the recommendations of *Copyright Agreement /1996/*.

The library community in the country lobbies at the legislative and the executive authorities against unjustified limitations to public and personal use of electronic materials which are objects of the copyright law. The librarians also lobby for preservation of the library's functions as a public guarantee for access to information.

### **ULISO and the preparation of the contemporary library legislation**

One of the basic tasks of ULISO, fixed in its Program, is to draw up a contemporary legislative base of the librarianship in Bulgaria. Since 1997 the Union has worked on the next documents:

- The Library Bill
- The Legal Deposit Bill for Printed, audiovisual, electronic and other kinds of documents

Workgroups were formed by library experts for the preparations of the bills. In 1998 the drafts were discussed at ULISO National Seminar and introduced in National Assembly Commission of Culture. Unfortunately they have not been considered at a plenary session.

#### *The Legal Deposit Legislation*

The deposit legislation has old traditions in Bulgaria. In 1897 was enacted the first legislative initiative in this field. Today acting law in Bulgaria is from 1976. There are several basic principles in it: a preservation of national cultural written heritage, an access to deposited documents for all users, a bibliographic registration of deposited documents, a distribution of bibliographic information through the Current National Bibliography. The application of this law is difficult because of the several reasons:

From one side as a result of information society development many new kinds of documents appeared and they are not the object of the law from 1976. It is urgent to wider the envelopment of legislation in order to include the electronic documents. From the other side the public changes in Bulgaria after 1989 changed also the subjects of law. A number of private publishing houses and printer came forward and they are not subjects of 1976 law.

The crisis of the managing the deposit is enforced by the fact that in the market economy the publishers have not an interest and a motivation to submit 20 copies from their editions to the National Library as the law requires.

The collision of interests between libraries and publishers is a very strong one. The libraries who receive free deposit copies have not interest to reduce them as they have not money during the economic crisis to acquire the national literature. The libraries rely only on the deposit to serve to their readers.

The bill, offered by ULISO, reflects the objects of legal deposit, and the subjects of the deposit, too. The bill is looking for

the balance between the interests of the owners of the copyright and connected rights for preserving and using their works and the libraries as a guarantee of the public access to information.

#### *The Library Bill*

The necessity of legal regulation for libraries is based on their traditions and by their contemporary culture mission, too. There was a need to determine the type of libraries, their activities and relations within the national library system, their financing and managing. An expression of the new vision for library in the democratic society is needed.

Article 2 determines the library as a cultural, information and educational institution which takes part in the national and regional cultural policy, collects, organises, stores and gives for use documentation and information, helps every citizen in the process of education and contributes to generation and distribution of knowledge.

Article 3 declares that the libraries ensure for every citizen an equal access to information regardless of race, nation, ethnic affiliation, gender, religion, education, beliefs, political membership, personal and social condition or property status. All readers have right to free choice of documents and information in libraries, based on their individual needs.

Article 5, paragraph 2 points that the libraries will make efforts to serve with priority children, youth, disabled people and disadvantaged people.

Article 5, paragraph 3 says that the libraries take an obligation to cooperate to international information exchange on the base of signed by the state international agreements.

Library specialists and the whole society has passed a long way to protect the universal values on which the contemporary democracy is based. Today the library community in the country is guided by professional principles, based on these universal values. The libraries in Bulgaria gradually become the acting guarantee of the free access to information and contribute for the development and the maintaining of the intellectual freedom.