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SECRETARIAT OF THE COMMITTEE OF MINISTERS
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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1507th meeting (September 2024) (DH)

Item reference: Action Plan (22/08/2024)

Communication from Bulgaria concerning the case of Koilova and Babulkova v. Bulgaria (Application No. 40209/20)

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Réunion : 1507^e réunion (septembre 2024) (DH)

Référence du point : Plan d'action (22/08/2024)

Communication de la Bulgarie concernant l'affaire Koilova et Babulkova c. Bulgarie (requête n° 40209/20)
(anglais uniquement)

ACTION PLAN

Koilova and Babulkova v. Bulgaria

(no. 40209/20)

DGI

22 AOUT 2024

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

I. CASE DESCRIPTION

This case concerns the lack of adequate legal regulation for recognition and protection of same-sex unions in Bulgaria. In particular, it concerns the refusal of the Bulgarian authorities, by a final judgment of 12 December 2019 of the Supreme Administrative Court, to include in the civil status registers, in respect of the marital status of the first applicant, her status as a married person after the applicants got married in the United Kingdom (violation of Article 8). The Court noted that although the State benefits from a wide margin of appreciation in deciding the exact nature of the legal regime to be granted to couples of the same sex, which does not necessarily have to take the form of a marriage, the Bulgarian authorities have not taken any steps aimed at having adequate legal regulations adopted regarding the recognition of unions between persons of the same sex.

II. INDIVIDUAL MEASURES

The Court did not award just satisfaction for pecuniary or non-pecuniary damage. The awarded amount for costs and expenses was paid to the applicants. No further individual measures are necessary.

III. GENERAL MEASURES

The judgment was translated in Bulgarian and made public on the website of the Ministry of Justice. The judgment was also sent for publication to HUDOC.

The execution of the judgment requires mostly legislative measures, which will ensure recognition and protection of same-sex relationships. Since May 2021, Bulgaria has been in parliamentary crisis with temporary Governments. These Governments were in power for periods ranging from four to ten months. For the same period, six parliamentary elections were held. Another elections are imminent, potentially to be set for October 2024.

The political agenda is full of bills that are related to the Recovery and Resilience Plan and are currently awaiting their review and adoption by Parliament. In addition to that, any changes related to the reform, stemming from that judgment, would require a broad debate among legal experts, the practitioners, and the society.

In this situation, the said legislative reform may be delayed. The Agent's Office will keep the political body of the Ministry of Justice informed of the requirements for the execution of the judgment.