



Last update : 12/04/2018

## Bulgaria

Membership to the Council of Europe	7 May 1992
Entry into force of the European Convention on Human Rights	7 September 1992
First case under supervision of execution	<i>Lukanov</i> (21915/93) Judgment final on 20 March 1997
Total number of cases transmitted for supervision since the entry into force of the Convention	666
Total number of cases closed by final resolution	472

### MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

#### > Actions of security forces – effective investigations

Deaths, torture, ill-treatment, excessive use of force, or lack of medical assistance in due time, occurring on arrest, in police detention or in penitentiary facilities and lack of effective investigations.

*Velikova* group (41488/98+)  
Judgment final on 04/10/2000

Status of execution  
Enhanced supervision

Lack of effective investigations into various criminal offences: murders, injuries, rapes, unlawful confinement, incitement to prostitution, etc.

*S.Z.* (29263/12)  
Judgment final on 03/06/2015

Status of execution  
Enhanced supervision

Ineffectiveness of the investigation into the murder, in 2002, of a high-ranking prosecutor on account of the lack of guarantees in Bulgarian law for the independence of criminal investigations.

*Kolevi* (1108/02)  
Judgment final on 05/02/2010

Status of execution  
Enhanced supervision

#### > Conditions of detention

Detention facilities and prisons: overcrowding and poor sanitary and material conditions amounting to inhuman and degrading treatment; lack of appropriate medical care; lack of effective remedies.

*Kehayov* group (41035/98+)  
*Neshkov and Others – pilot judgment* (36925/10+)  
Judgments final on 18/04/2005 and on 01/06/2015

Status of execution  
Enhanced supervision

#### > Lawfulness of detention and related issues

Unsatisfactory procedures for placement in social care homes of persons with mental disorders and lack of judicial review of lawfulness of detention; inhuman conditions of placement and lack of an effective remedy in this respect; impossibility for partially incapacitated persons to request before courts the restoration of their legal capacity.

*Stanev* (36760/06)  
Judgment final on 17/01/2012

Status of execution  
Enhanced supervision

\* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).



MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

> Reception / Expulsion / Extradition

Expulsion and deportation of foreign nationals on national security grounds:

- lack of adequate safeguards in deportation proceedings and insufficient review of relevant facts;
- lack of judicial control of the expulsion measure's proportionality, notably as regards respect for family life; non-compliance with the principle of adversarial proceedings;
- lack of publicity of judicial decisions;
- lack of suspensive effect of appeals in case of risk of ill-treatment in the destination country.

*C.G. and Others* group (1365/07+)  
Judgment final on 24/07/2008

Status of execution  
Enhanced supervision

*Auad* group (46390/10+)  
Judgment final on 11/01/2012

Status of execution  
Enhanced supervision

*M. and Others* (41416/08)  
Judgment final on 26/10/2011

Status of execution  
Enhanced supervision

> Functioning of justice

Excessive length of criminal and civil proceedings: overburdening of courts, delays during pre-trial investigations, referrals of cases to the stage of pre-trial investigation during trial or to lower courts, lack of effective acceleratory remedies in criminal proceedings.

*Kitov* group (37104/97+)  
Judgment final on 03/07/2003

*Djangozov* group (45950/99+)  
Judgment final on 08/10/2004

Status of execution  
Enhanced supervision

> Protection of private and family life

Correspondence and secret surveillance: insufficient guarantees against the arbitrary use of the powers assigned by the law on special surveillance means; absence of an effective remedy.

*Association for European Integration and Human Rights and Ekimdzhiev* group (62540/00+)  
Judgment final on 30/01/2008

Status of execution  
Enhanced supervision

> Issues related to Roma

Eviction of Roma: planned enforcement of a removal order against occupants of Roma origin of an unlawful settlement in Sofia where many of them had lived for decades with the authorities' acquiescence, on the basis of legislation not requiring any examination of proportionality for removals.

*Yordanova and Others* (25446/06)  
Judgment final on 24/09/2012

Status of execution  
Enhanced supervision

> Freedom of assembly and association

Unjustified refusals by the courts to register a cultural association, aiming at "uniting all Macedonians in Bulgaria on a regional and cultural basis" and achieving "the recognition of the Macedonian minority in Bulgaria "without using violent, brutal, inhuman or unlawful means" - invoking considerations of national security, protection of public order and the rights of others (alleged separatist ideas) and the constitutional prohibition for associations to pursue political goals.

*The United Macedonian Organisation Ilinden and Others Nos. 1 and 2* group (59491/00+ and 34960/04+)  
Judgments final on 19/04/2006 and on 08/03/2012

Status of execution  
Enhanced supervision



## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

Unjustified refusal by the national courts to register an association aiming at promoting the rights of Muslim minority in Bulgaria on the basis of the constitutional prohibition on associations to pursue political goals and considerations of national security.

*National Turkish Union and Kungyun* (4776/08)

Judgment final on 08/09/2017

Status of execution  
Enhanced supervision

### > Protection of property

Absence of any procedural safeguards against arbitrariness surrounding the revocation of a bank's licence in 2005: impossibility to challenge the withdrawal of the licence and the decisions of prosecuting authorities, affecting the bank's management, as well as the freezing of accounts of two private individuals.

*International Bank for commerce and development AD and Others* (7031/05)

Judgment final on 17/10/2016

Status of execution  
Enhanced supervision

Unfair insolvency proceedings on account of the lack of proper representation of the applicant's bank and of the failure by the domestic court to examine the merits of the findings of the Bulgarian National Bank regarding the applicant bank's insolvency.

### > Electoral rights

Automatic and indiscriminate ban on prisoners' voting rights enshrined in a constitutional provision.

*Kulinski and Sabev* (63849/09)

Judgments final on 21/10/2016

Status of execution  
Enhanced supervision



## SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\*

### > Actions of security forces – effective investigations

Amendments to the Military Police Act adopted in 2016 to combat the excessive use of fire-arms (principle of “absolute necessity”) and to ensure that effective investigations are carried out into the existence of possible racist motives were at the origin of an excessive use of force during arrest.

*Nachova and Others* (43577/98+)  
Judgment final on 06/07/2005

Final Resolution  
CM/ResDH(2017)97

### > Lawfulness of detention

Strengthening of guarantees surrounding detention on remand through several reforms between 2000 and 2006, notably in view of preventing excessive length of detention or extension of detention despite release orders.

*Evgeni Ivanov group* (44009/02+)  
Judgment final on 22/08/2008

Final Resolution  
CM/ResDH(2012)164

*Bojilov group* (45114/98+)  
Judgment final on 22/03/2005

Final Resolution  
CM/ResDH(2012)166

### > Reception / Expulsion / Extradition

Introduction of judicial review of expulsion orders based on national security grounds in the Aliens Act in April 2007. Changes introduced in 2009 and 2011 require authorities to take into account permanent residents’ personal and family situation, integration and ties with the country of origin when deciding on expulsion.

*Al-Nashif group* (50963/99+)  
Judgment final on 20/09/2002

Final Resolution  
CM/ResDH(2015)44

Setting-up of specific time-limits to ensure prompt examination of appeals against detention orders pending deportation or expulsion. Domestic courts are competent to release foreigners, if detention is found to be unlawful or no longer justified.

*Rahmani and Dineva* (20116/08)  
Judgment final on 10/08/2012

Final Resolution  
CM/ResDH(2016)54

### > Functioning of justice

Introduction, in 2012, of the right to compensation for excessive length of civil and criminal proceedings. Introduction in the Code of Administrative Procedure of 2006 and the Civil Procedure Code of 2007 of the possibility to seek acceleration of pending proceedings.

*Dimitrov and Hamanov group – pilot judgment* (48059/06+)  
*Finger – pilot judgment* (37346/05)  
Judgment final on 10/08/2011

Final Resolution  
CM/ResDH(2015)154

The 2016 amendment of the Judiciary Act restricted the duration of preliminary investigations, in general, not to exceed 2 months. Provisions were introduced in 2008 and 2011 to reduce procedural delays due to difficulties to summon co-defendants and witnesses and the failure to promptly apply provisions concerning trial in absentia.

*Zhbanov and 34 other cases (part of Kitov group)* (45563/99)  
Judgment final on 22/10/2004

Final Resolution  
CM/ResDH(2017)57

\*\* This section may also include certain major reforms already implemented in the context of cases still pending. For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV “Main achievements”. As regards the period 1959-1998, see the overview provided by the European Court in its special publication “[Survey : 40 years of activity](#)”, section IV “Effects of judgments and decisions” – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.



**SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\***

Securing the possibility to obtain the reopening of criminal cases heard *in absentia* (in the absence of the accused person) through several reforms carried out between 2000 and 2011.

*Kounov* (24379/02)  
Judgment final on 23/08/2006  
Final Resolution  
CM/ResDH(2008)70

*Aliykov* (333/04)  
Judgment final on 03/03/2010  
Final Resolution  
CM/ResDH(2014)259

**> Freedom of religion**

Transfer, in 2002, from the executive to the judiciary of the competence of registration of churches, to avoid discrimination, excessive executive interferences with freedom of religion, notably direct interferences in the choice of church leadership.

*Hasan and Chaush and Supreme Holy Council of the Muslim Community* (30985/96+)  
Judgment final on 26/10/2000  
Final Resolution  
CM/ResDH(2011)193

*Boychev and Others* (77185/01)  
Judgment final on 27/04/2011  
Final Resolution  
CM/ResDH(2012)169

**> Freedom of expression**

Abolishment of prison sentences for insults in 2000.

*Raichinov* (47579/99)  
Judgment final on 20/07/2006  
Final Resolution  
CM/ResDH(2011)5

**> Freedom of movement**

Abolishment of travel bans on non-rehabilitated convicted persons or of travel bans for unpaid taxes or debts, following a decision by the Constitutional Court in 2011. The provisions of the Aliens Act enacting the same ban for foreign citizens were repealed in March 2013.

*Riener* (46343/99)  
Judgment final on 23/08/2006  
Final Resolution  
CM/ResDH(2013)100

Introduction, in 2006, of the possibility to contest a prohibition to leave the country at any time during criminal proceedings.

*Makedonski* (36036/04)  
Judgment final on 20/04/2011  
Final Resolution  
CM/ResDH(2013)2

Revocation of prohibitions in practice if there is no risk of the accused fleeing the country.

*Pfeifer group* (24733/04)  
Judgment final on 17/05/2011  
Final Resolution  
CM/ResDH(2015)67

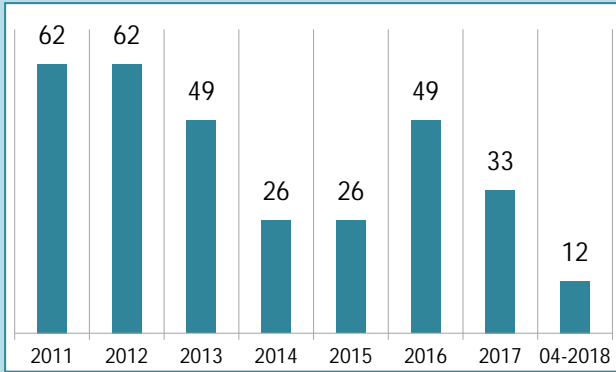
Ensuring of the possibility to seek compensation for unlawful prohibition, under State and Municipalities Responsibility for Damages Act.



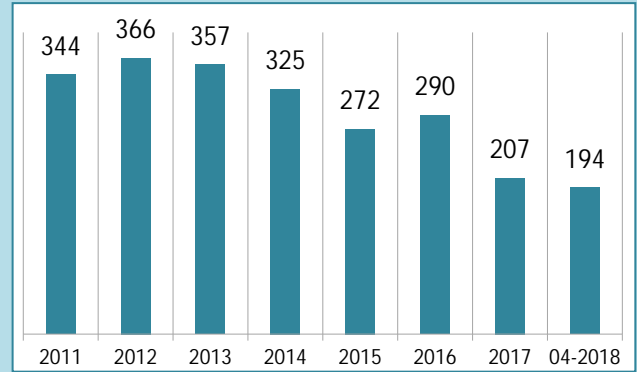
STATISTICS\*\*\*

New cases

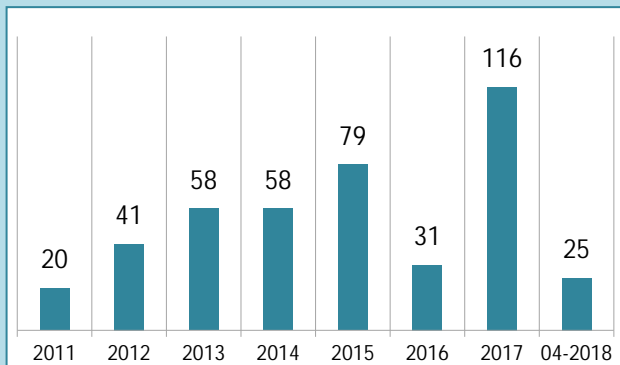
(judgments transmitted for supervision of their execution during the year)



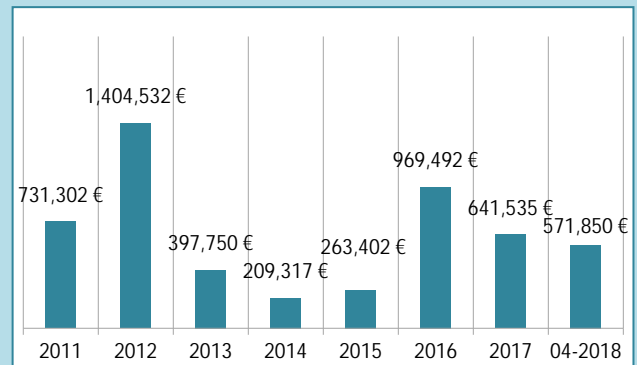
Total of pending cases



Cases closed by final resolution



Just satisfaction awarded



\*\*\* Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.