

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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Date: 10/04/2017

DH-DD(2017)421

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Meeting: 1288th meeting (June 2017) (DH)

Item reference: Action plan (03/04/2017)

Communication from Bulgaria concerning the case of KULINSKI AND SABEV v. Bulgaria (Application No. 63849/09)

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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1288^e réunion (juin 2017) (DH)

Référence du point : Plan d'action

Communication de la Bulgarie concernant l'affaire KULINSKI ET SABEV c. Bulgarie (Requête n° 63849/09)
(anglais uniquement)

Case of Kulinski and Sabev v. Bulgaria (no 63849/09)

Action plan on the execution of the judgment of the European Court of human rights delivered on 21/07/2016, final on 21/10/2016

The European Court of Human Rights found that the applicants' deprivation of the right to vote in the election to the European Parliament and to the Bulgarian Parliament violated Article 3 of Protocol No. 1 to the European Convention on Human Rights.

The Court found that there had been no violation of article 13 in respect of the applicants' complaint under article 3 of Protocol No. 1. It has already held in previous cases that Article 13 did not guarantee a remedy allowing State's laws as such to be challenged before a national authority on the ground of being contrary to the Convention.

1. Individual measures

The European Court did not award any compensation in this case for moral damages, but only awarded indemnification for costs and expenses, duly paid by the authorities.

In particular, the European Court considered that the finding of a violation constituted sufficient just satisfaction in the case for any non-pecuniary damage sustained by the applicants.

Mr. Kulinski served his sentence and was released on 30 December 2009. Therefore at the time of delivering the judgment the applicants' electoral right was not restricted and he was not suffering the consequences of this specific violation.

Mr. Sabev is serving his life prison sentence.

2. General measures

The provision restricting voting rights of persons serving their punishment based on a court sentence is expressly established in Article 42 § 1 of the Constitution of the Republic of Bulgaria. The ban is reproduced in Article 243 of the Election Code which provides for that Bulgarian citizen who meets the requirement of Article 42 § 1 of the Constitution 1991 can vote in elections to the Bulgarian Parliament.

Likewise Article 350 § 1 of the Election Code stipulates that Bulgarian citizens who meet the requirement of 42 § 1 of the Constitution 1991 are entitled to vote in elections to the European Parliament.

The concrete steps required in order to prevent future similar violations are to be examined from the relevant authorities.

Translation of the judgment into Bulgarian has been assured and is published on the web site of the Ministry of justice www.mjs.bg. The judgment was disseminated among the relevant authorities.

3. Conclusions

The Government will keep the Committee of the Ministers informed about any consequent development.

31 March 2017

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