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Bulgaria

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B-1049 Brussels*

Country report

Non-discrimination

Transposition and implementation at national level of
Council Directives 2000/43 and 2000/78

Bulgaria

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Reporting period 1 January 2025 – 1 January 2026

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EXECUTIVE SUMMARY

1. Introduction

The reporting period follows a year of continued political adjustment. After multiple elections in 2024, Bulgaria succeeded in forming a regular coalition government in January 2025, when the National Assembly approved a cabinet led by Prime Minister Rosen Zhelyazkov with ministers drawn from several right-wing and left-wing political parties and informal support from other parties and non-aligned MPs. This Government, although operating within a minority coalition framework, governed for most of 2025.

Towards the end of the year widespread demonstrations erupted in late November and early December 2025 against the Government's proposed state budget and allegations of corruption. The demonstrations drew tens of thousands of participants, including student-led protests across multiple cities. In response, the Government withdrew the draft budget and, amid sustained civic pressure, Prime Minister Zhelyazkov announced the resignation of his cabinet on 11 December 2025. The Government remained in office in a caretaker capacity while political actors prepared for snap parliamentary elections scheduled for 19 April 2026.

Political instability and fragmentation persisted throughout 2025 and continued to disrupt the legislative process, leading to legislative stagnation and delays in critical reforms. This legislative paralysis impeded Bulgaria's progress on essential issues, including judicial reforms and anti-corruption measures.

In August 2024, amendments to the Pre-school and School Education Act introduced restrictions concerning discussion of 'non-traditional sexual orientation and gender identity' in educational settings (SG No. 67/2024). These amendments generated domestic and international criticism.¹ Public debate in 2025 continued to focus on the implementation and implications of the 2024 education amendments concerning sexual orientation and gender identity.²

Bulgaria is a multi-ethnic and religiously diverse society. According to the 2021 census (the most recent one), the Turkish community amounts to 8.4 % of the population and the Roma community 4.4 %. Muslims represent 10.8 % of the population; Protestants 1.7 % and Catholics 0.9 %. The majority self-define as Eastern Orthodox.³ Vulnerable groups include the Roma; refugees/migrants; persons with disabilities, especially intellectual disabilities; people of non-traditional faiths; LGBTIQ+ people; Muslims; Turks; Jews; and Macedonians. Discrimination and hatred, including hate speech and hate crime, against the Roma is pervasive, radical and unsanctioned.

In 2025 Roma communities continued to experience structural discrimination in housing, education, employment and access to healthcare. Residential segregation and forced evictions are recurrent issues.⁴ Bulgaria remains under enhanced supervision by the

¹ ILGA EUROPE, 'Bulgaria passes anti-LGBTI propaganda law', 7 August 2024, <https://www.ilga-europe.org/press-release/bulgaria-passes-anti-lgbti-propaganda-law/>; Amnesty International, 'Bulgaria: Ban of "LGBTI propaganda" in schools is attack on the entire LGBTI community', 8 August 2024, <https://www.amnesty.eu/news/bulgaria-ban-of-lgbti-propaganda-in-schools-is-attack-on-the-entire-lgbti-community/>; Eurochild, 'Eurochild stands against the recent legislative changes in Bulgaria which are a threat to children's rights', 05.09.2024, <https://eurochild.org/news/eurochild-stands-against-the-recent-legislative-changes-in-bulgaria-which-are-a-threat-to-childrens-rights/>.

² GLAS FOUNDATION, 'Обществени нагласи спрямо ЛГБТИ+ хората през 2025' (Public attitudes towards LGBTI+ people in 2025), 8 January 2026, <https://glasfoundation.bg/obshtestveni-naglas-spryam-lgbti-horata-prez-2025/>.

³ National Statistical Institute, *Етнокултурни характеристики на населението към 7 септември 2021 година* (Ethnocultural characteristics of the population as of 7 September 2021), 24 November 2022.

⁴ On 15 April 2025, local authorities in the Zaharna Fabrika neighbourhood in Sofia demolished dozens of Roma homes despite an interim order from the ECtHR to suspend such actions, leaving around 200 Roma

Committee of Ministers of the Council of Europe for non-execution of European Court of Human Rights (ECtHR) judgments concerning Roma housing rights.⁵ Roma children are disproportionately enrolled in segregated schools. Hate speech and hate crime targeting Roma have been documented by national and international monitoring bodies.⁶ The criminal justice system targets Roma people disproportionately for prosecution and punishment and the ECtHR found Bulgaria liable in such a case.⁷ Roma are denied equal protection under the law, including from hate crime by officials and civilians. The ECtHR has found Bulgaria liable for a number of such cases.⁸ The legal system persists in failing to protect Roma from political hate speech, as the ECtHR held in 2021.⁹ They lack representation and have no access to decision-making at any level.

Jews, Muslims, those of non-traditional faiths and Turks suffer from manifestations of hate, such as desecration of places of worship, violent demonstrations and pejorative and hostile language. The ECtHR found Bulgaria liable in such a case.¹⁰

In January 2025, the National Assembly adopted amendments to the Religious Denominations Act,¹¹ reaffirming that the Bulgarian Orthodox Church – Bulgarian Patriarchate is the sole representative of Eastern Orthodoxy in Bulgaria and prohibiting other religious denominations from using the word 'Orthodox' or similar expressions in their names. Religious organisations were required to modify their names and statutes within two months or face termination of their legal status. The amendments followed a December 2024 decision by the Supreme Court of Cassation ordering the registration of the Bulgarian Orthodox Old-Style Church, which triggered strong political and ecclesiastical reactions. The legislative changes generated legal and public debate regarding their compatibility with freedom of religion and the European Convention on Human Rights, particularly in light of earlier ECtHR judgments concerning the registration of Orthodox religious communities in Bulgaria.

Persons with disabilities suffer from exclusion and disadvantage in education, employment, access to services and participation. An inaccessible architectural environment for service provision is still a common issue. The Supreme Administrative Court has found many enterprises and public bodies liable for keeping their buildings inaccessible.¹² The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment

people homeless. These demolitions were carried out without adequate prior notice, consultation or provision of alternative accommodation.

⁵ Committee of Ministers of the Council of Europe, 1545th meeting (2-4 December 2025) (DH) - H46-11 *Yordanova and Others group v. Bulgaria*, Application No. 25446/06, [https://hudoc.exec.coe.int/eng?i=CM/Del/Dec\(2025\)1545/H46-11E](https://hudoc.exec.coe.int/eng?i=CM/Del/Dec(2025)1545/H46-11E).

⁶ European Roma Rights Centre, 'Roma in Bulgaria push back against everyday discrimination with four new legal actions', 22 August 2025, <https://www.errc.org/news/roma-in-bulgaria-push-back-against-everyday-discrimination-with-four-new-legal-actions>.

⁷ *Paraskeva Todorova v. Bulgaria*, No. 37193/07. 25 March 2010.

⁸ See, among other authorities: *Nachova and Others v. Bulgaria*, Nos. 43577/98 and [43579/98](#), 6 July 2005; *Angelova and Iliev v. Bulgaria*, No. 55523/00, 26 July 2007.

⁹ *Budinova and Chaprazov v. Bulgaria*, No. 12567/13, 16 February 2021. The Court found violations of the right to non-discrimination and the right to private life.

¹⁰ *Tonchev and Others v. Bulgaria*, No. 56862/15, 13 December 2022. The case concerns information circulated to schools by the municipal authority containing pejorative and hostile remarks about the Evangelical denomination to which the applicant associations and pastors belonged. In view of the language used by the public authorities to describe the religious movement, and the fact that the domestic proceedings brought by the applicants had not afforded appropriate redress for their complaints, Bulgarian authorities had interfered disproportionately with the applicants' right to freedom of religion, overstepping their margin of appreciation under Article 9 of the ECHR.

¹¹ Religious Denominations Act (RDA) (*Закон за вероизповеданията*), adopted December 2002, last amended March 2025, Additional Provisions, paragraph 1(1).

¹² See, *inter alia*, SAC, Decision No. 2732 of 7 March 2024 in Case No. 9049/2023; Decision No. 2995 of 12 March 2024 in Case No. 1074/2023; Decision No. 3879 of 2 April 2024 in Case No. 6649/2023; Decision No. 5455 of 7 May 2024 in Case No. 7601/2023.

or Punishment (CPT) has once again noted the appalling conditions and treatment in state psychiatric hospitals and the lack of action taken by the state.¹³

No substantial amendments to the Protection against Discrimination Act were adopted in 2025. No new horizontal equality legislation was enacted. In May 2025, the 51st National Assembly elected a new composition of the Protection Against Discrimination Commission (PADC), including a new Chair and Deputy Chair. In parallel, the President appointed four members under the presidential quota. The PADC consists of nine members with five-year mandates (Article 41 PADA). According to official PADC data published in January 2026, 508 new proceedings were initiated in 2025, compared to 179 in 2024.¹⁴

Equality case law is vibrant, albeit ridden with misconceptions and contradictions. Disability rights enjoy an especially favourable reception by adjudicators. A strong body of case law on hate speech has developed, in particular concerning Roma and lesbian and gay rights. However, Roma and LGBTIQ+ rights protection in other types of cases is virtually non-existent in practice.

2. Main legislation

The Protection Against Discrimination Act (PADA) 2004 is the main anti-discrimination law, enacted to transpose the directives.¹⁵ It is a single equality law universally banning discrimination on a range of grounds, including race/ethnicity, sex, religion/belief, sexual orientation, disability and age, and providing uniform standards of protection and remedies. The PADA as a whole complies with the directives, going beyond them in significant aspects: universal material scope, an extended, open-ended list of grounds, additional forms of discrimination, extended equality body powers and special judicial redress. The PADA is actively invoked by individuals before the equality body and the courts and the case law is extensive and growing.

Another equality law is the ground-specific People with Disabilities Act (PDA),¹⁶ listing positive and reasonable accommodation duties in a number of fields. The PDA was adopted to secure rights under the Convention on the Rights of Persons with Disabilities (CRPD). Other laws, governing specific fields, such as education, employment and public procurement, provide for positive measures on grounds of disability and age.

Older abstract bans on discrimination exist in laws governing specific fields, as well as in the Constitution, but implementation is lacking. Bulgaria is bound by international instruments banning discrimination, including the European Convention on Human Rights¹⁷ (ECHR) (but not Protocol 12), the European Social Charter (Revised),¹⁸ the International Covenant on Civil and Political Rights,¹⁹ the International Covenant on Economic, Social and Cultural Rights,²⁰ the Convention on the Elimination of All Forms of Discrimination Against Women,²¹ the Convention on the Elimination of All Forms of Race Discrimination,²²

¹³ See European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2023), *Report to the Bulgarian Government on the ad hoc visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 to 31 March 2023*, <https://rm.coe.int/1680ae4960>.

¹⁴ Bulgarian Telegraph Agency, 'Commission for Protection against Discrimination reports threefold increase in discrimination proceedings in 2025, 30 January 2026, <https://www.bta.bg/en/news/bulgaria/1054230-commission-for-protection-against-discrimination-reports-threefold-increase-in-d>.

¹⁵ Protection Against Discrimination Act (PADA) (*Закон за защита от дискриминация*), adopted September 2003, entered into force January 2004, last amended October 2023.

¹⁶ People with Disabilities Act (PDA) (*Закон за хората с увреждания*), adopted 18 December 2018, entered into force 1 January 2019, last amended May 2024.

¹⁷ Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms, entered into force 1953.

¹⁸ Council of Europe, European Social Charter (Revised), adopted 1996, entered into force 1999.

¹⁹ UN, adopted 1966, entered into force 1976.

²⁰ UN, adopted 1966, entered into force 1976.

²¹ UN, adopted 1979, entered into force 1981.

²² UN, adopted 1965, entered into force 1969.

the Convention on the Rights of Persons with Disabilities,²³ and the Convention on the Rights of the Child.²⁴ The Constitution and binding international law are directly applicable by domestic courts and supersede conflicting legislation. They are enforceable against private parties, as well as public bodies.

3. Main principles and definitions

The PADA prohibits and defines direct and indirect discrimination, including discrimination by association and by assumption. The PADA defines direct discrimination as treating a person on protected grounds less favourably than another person is treated, has been treated, or would be treated in comparable circumstances. The PADA defines 'on grounds of' as the actual, present or past, or assumed possession of one or more protected characteristics by the person who has been discriminated against, or by another person who is, in fact or presumed to be, associated with the person who has been discriminated against, where the association is a cause for discrimination. The PADA does not permit any general justification for direct discrimination.

The PADA provides examples of bans on specific discriminatory conduct in employment, education and service provision. It provides an exhaustive list of specific exceptions for all protected grounds, including for genuine and determining occupational requirements, for employers with a religious ethos and for maximum and minimum age for access to employment and education, requiring objective justification. It permits different treatment of non-nationals, where such treatment is provided for in law (Article 7(1), point 1) and allows for the setting of a maximum age for employment in view of the need for training for the post concerned or of the need for a reasonable period to fill the post before retirement (Article 7(1), point 6). Positive measures aimed at disadvantaged groups are allowed.

The PADA defines indirect discrimination as, 'placing a person or persons who have a [protected] characteristic, or, who without having such a characteristic, together with the former suffer less favourable treatment, or are placed at a particular disadvantage deriving from an apparently neutral provision, criterion, or practice, unless the provision, criterion, or practice are objectively justified with a view to a legitimate aim and the means to achieving that aim are appropriate and necessary'. The definition is unclear, with the 'suffer less favourable treatment' language causing adjudicators to confuse indirect discrimination with direct discrimination. Furthermore, this definition does not make it clear that hypothetical disparate impact ('would put' as per the directives' definitions) is covered.

The PADA expressly provides that harassment, incitement to discrimination and victimisation constitute forms of discrimination. It defines harassment as any unwanted conduct related to protected grounds and manifested physically, verbally or in any other way that has the purpose or effect of violating the dignity of a person and of creating a hostile, offensive or intimidating environment. Protection covers harassment by presumption and association. Incitement to discrimination is defined as direct and intentional encouragement of discrimination, including giving an instruction to discriminate. The 'intent' element contravenes the directives. Victimisation is defined as: a) less favourable treatment of a person who has taken, is presumed to have taken or will presumably take any action against discrimination; b) less favourable treatment of a person where a person associated with them has taken, is presumed to have taken or will presumably take any action against discrimination; c) less favourable treatment of a person who refused to discriminate. Action for protection against discrimination is defined to include, but is not limited to, bringing proceedings before the equality body or the court or testifying.

²³ UN, adopted 2006, entered into force 2008.

²⁴ UN, adopted 1989, entered into force 1990.

These definitions apply to all grounds. Multiple discrimination is defined as discrimination on more than one protected grounds. The PADA places a positive duty on public bodies to take positive measures for victims of multiple discrimination as a priority. Under the PADA, the equality body hears cases of multiple discrimination with panels of five members rather than three. The case law has failed to deal with the issues surrounding multiple discrimination or intersectional discrimination.

The PADA defines racial segregation, and provides that it is a form of discrimination. However, it requires the separation to be 'compelled', in contravention of the directives' definition of direct discrimination. The PADA provides for reasonable accommodation for persons with disabilities in employment and education. The limit of this duty is when 'the costs are unreasonably high and would seriously hinder' the employer or educator. According to the PADA, children with disabilities are entitled to general support and to additional support in the pre-school and school education system. This support is a means to ensure for them conditions for equal access to quality education and to inclusion. The corresponding duty for educational institutions is an absolute one.

Under the PADA, authorities, employers and educators have duties to mainstream equality and to take positive measures on all grounds. Liability is provided for abettors of discrimination, as well as vicarious liability for employers and educators who fail to prevent discrimination by third parties in places of work or study. A shift of the burden of proof is envisaged: 'In proceedings for protection against discrimination, after the party claiming to have been discriminated against, *produces (presents)* facts from which an *inference* of discrimination can be made, the respondent party must prove that the principle of equal treatment was not breached.'

Although not all cases of discrimination fall within the scope of the directives, a number of cases do fall within that scope. Moreover, cases outside that scope are nevertheless capable of affecting cases within the scope, as the PADA is a comprehensive equality law governing all protected grounds and all fields in a coherent manner, by the same legal standards. Accordingly, judicial interpretation in certain cases regarding certain grounds/fields is relevant to all other grounds/fields.

4. Material scope

The PADA has a universal scope. It is applicable to any field, implicitly including all fields contained in the directives, as well as any beyond. This universal ban on discrimination applies to all grounds and to both the private and public sectors.

5. Enforcing the law

The PADA provides for two alternatives: judicial proceedings before the general courts and specialised quasi-judicial proceedings before the equality body, the Protection Against Discrimination Commission (PADC). A victim can choose. The courts can make a declaration of discrimination and award compensation, as well as order the respondent to take remedial action or to abstain from or to terminate a particular action or inaction. The PADC can make a finding of discrimination and order preventive or remedial action. It can impose financial sanctions. It cannot award compensation. Both procedures are universally applicable to both the public and private sectors. They are legally binding. However, in themselves, the PADC's decisions that have become final in the absence of challenge before the courts, being individual administrative acts by legal nature, do not have the force of *res judicata*.²⁵ The principle of shifting the burden of proof applies to both procedures. Both are used in practice. Both are exempt from fees and costs under the law.

²⁵ See Constitutional Court, Interpretative Decision No. 6 of 11 November 2008 in Case No. 5/2008.

There have been very few cases where judges have found discrimination based solely on the respondent's failure to rebut an inference of discrimination. However, they have consistently taken account of the special evidentiary rule, and some have issued sound *dicta* on it. Judges have inconsistent understanding of the difference between direct and indirect discrimination, resulting occasionally in misinterpretations of direct discrimination as justifiable indirect discrimination.

Under the PADA, the PADC assists victims of discrimination. In practice, complainants are provided with procedural advice on filing their complaints. The PADC has standing to initiate court proceedings, as well as to join proceedings. It has not used these possibilities. NGOs actively litigate discrimination cases. They have standing to represent complainants in court, as well as to intervene in proceedings in their support. NGOs have standing to take public interest court action (*actio popularis*) on their own behalf where the rights of many people are infringed without authorisation from a victim. They have standing to initiate proceedings before the PADC without identifying any victim. Over the years, including in 2025, NGOs have brought a range of public interest cases, which has enhanced public attention. Discrimination litigation, especially by NGOs, receives media coverage in cases of broad public interest.

Sanctions for discrimination imposed by the PADC include fines (maximum EUR 1 250) and binding instructions for respondents to take particular preventive or remedial action. The PADC actively uses its sanctioning powers, often imposing close to maximum fines and ordering remedies, such as reinstatement, amendment of regulations, etc. It is unclear, however, to what extent these orders are complied with in practice and how effective the official response is in cases where they are not. In such cases, the body has no formal power other than to impose further fines. Court-ordered redress includes compensation with no maximum limit and orders on respondents to take, or to abstain from, specific action. In exceptional cases, awards have reached EUR 5 000 (architectural inaccessibility). The duty to remove the inaccessibility is declared and a court order to comply is implied. All sanctions apply to all five grounds of discrimination.

According to labour law, persons with disabilities are entitled to employment quotas and employer subsidies. Younger and older workers, as well as people with caring responsibilities, also enjoy preferential treatment in employment. Roma people are nominally the beneficiaries of a number of positive programmes in education, housing and other fields, but the impact of these measures in practice has been limited. Under the PADA, higher employment quotas for persons with disabilities are provided.

6. Equality bodies

The PADC is the national specialised equality body. It was set up under the PADA as an independent collegiate quasi-judicial authority with adjudicating powers. The PADC deals with discrimination on all protected grounds. It has a mandate to: hear and investigate complaints by victims and communications by third parties; initiate its own proceedings; find discrimination by legally binding decisions; impose financial sanctions; issue mandatory instructions for remedial or preventative redress; review and give opinions on draft legislation; make recommendations to public authorities, including for legislative change; assist victims of discrimination; and carry out independent research and publish independent reports. The PADC has a vast and growing body of case law, some of it effective. Its decisions can be challenged before two instances of courts, including the SAC (Supreme Administrative Court).

7. Key issues

- The PADA defines indirect discrimination in an unclear, confusing way, thwarting implementation.

- The definition of incitement to discrimination in the PADA, including instructions to discriminate, expressly requires direct intent.
- The definition of racial segregation in the PADA expressly requires the state of separation to be 'compelled'.²⁶ The European Court of Human Rights has consistently held in Roma segregation cases that no waiver of the right to non-discrimination is possible.²⁷
- The PADC does not use its powers, including its competence to start *ex officio* proceedings, in any strategic way, except for disability rights. It has no defined priorities and has failed to target structural issues, other than inaccessibility.
- An overview of the case law reveals that a disproportionately small number of cases based on 'sensitive' grounds such as ethnic or racial origin and sexual orientation are being referred to and reviewed by the PADC and the courts, and there is a lack of focused effort on the part of the PADC to address discrimination issues on grounds that may be perceived as controversial in the society, despite the fact that the PADC is competent to initiate *ex officio* proceedings.
- There is no reliable measurement of the implementation rate of PADC decisions. In cases of non-compliance, the PADC has no formal powers other than to impose further fines.
- SAC case law, while evolving, has featured a number of interpretations which are arguably not compliant with the directives, curtailing access to justice in various ways (e.g. limiting *actio popularis* standing, providing erroneous legal qualifications, questionable application of the proportionality test, among others).
- No issues of concern have been identified regarding the use of artificial intelligence in relation to the implementation of national legislation transposing the directives, or regarding the regulation of artificial intelligence.

²⁶ PADA, Additional Provision, paragraph 1(6).

²⁷ For instance, *D.H. v. Czech Republic*, No. 57325/00, 13 November 2007; *Sampanis v. Greece*, No. 32526/05, 5 June 2008; *Oršuš v. Croatia* [GC], No. 15766/03, 16 March 2010.

INTRODUCTION

The national legal system

Bulgaria is a unitary state where the Constitution²⁸ and ratified international instruments are directly enforceable by the courts and take precedence over conflicting national provisions. All courts are bound to apply constitutional and international norms instead of contradicting primary legislation. The legal system is continental, with no *stare decisis*. The Constitutional Court has exclusive authority to bindingly interpret the Constitution. Only a limited number of public institutions are entitled to initiate proceedings before the Constitutional Court, notwithstanding the 2023 amendments of the Constitution allowing any court, either at the request of a litigant or on its own initiative, to refer a case to the Constitutional Court. There is no right to individual petition. Secondary legislation may not contradict primary legislation. If it does, it is subject to being repealed by the administrative courts. All courts have a duty to apply primary legislation instead of contradicting secondary legislation.

The Protection Against Discrimination Act 2004 (PADA) is the main anti-discrimination law, adopted to transpose the EU anti-discrimination directives. It is a single equality law universally banning discrimination on a range of grounds, providing uniform standards of protection and remedies, complete with specific bans in particular fields. The PADA establishes an equality body – the Protection Against Discrimination Commission (PADC) – with the mandate of a quasi-jurisdiction to decide cases and sanction discrimination. Its decisions are subject to two-instance judicial review before the administrative courts. The PADA also provides for parallel judicial recourse to the civil courts.

In parallel, pre-existing schematic discrimination bans are in place under laws governing specific fields and in the Constitution. Older legislative bans on discrimination are not harmonised with the PADA, differing in terms of protected grounds, exceptions and definitions. Furthermore, there is inconsistency between the PADA and laws governing particular fields providing for direct or indirect discrimination.²⁹

The law on (equal) disability rights, the People with Disabilities Act (PDA), provides for accessibility, positive action and (reasonable) accommodation duties in a number of fields. Furthermore, a number of laws governing specific fields, such as education, employment, public procurement and taxation, provide for positive measures on grounds of disability and age.

List of main legislation transposing and implementing the directives

Official title of the law: Protection against Discrimination Act
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Abbreviation: PADA

Date of adoption: 16 September 2003
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Entry into force: 1 January 2004

Latest amendment: 6 October 2023

Web link: https://lex.bg/laws/ldoc/2135472223
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Grounds covered: sex, race, national origin, ethnicity, human genome, nationality, origin, religion or faith, education, beliefs, political affiliation, personal or social status, disability, age, sexual orientation, family status, property status or any other ground provided for by law or by international treaty to which Bulgaria is a party
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Civil/administrative/criminal law: administrative law
--

Material scope: universal

²⁸ Constitution (Конституция), adopted July 1991, last amended August 2024.

²⁹ Examples include Article 141 of the Defence and Armed Forces Act (age and mental/physical ability requirements for access to service) and Article 155(1.4) and Article 155 of the Ministry of the Interior Act (age and mental/physical ability requirements for access to service; maximum age for service).

Principal content: prohibition of direct and indirect discrimination; harassment; instruction to discriminate; creation of a specialised body

Official title of the law: People with Disabilities Act

Abbreviation: PDA

Date of adoption: 18 December 2018

Entry into force: 1 January 2019

Latest amendment: 1 May 2024

Web link: <https://lex.bg/bg/laws/ldoc/2137189213>

Grounds covered: disability

Civil/administrative/criminal law: administrative law

Material scope: universal

Principal content: protection of the rights of the persons with disabilities

1 GENERAL LEGAL FRAMEWORK

Constitutional provisions on protection against discrimination and the promotion of equality

The Constitution of Bulgaria includes the following Article dealing with non-discrimination.

Article 6 is a general clause of universal application, covering race, national origin, ethnicity, sex, origin, religion, education, beliefs, political affiliation, personal and social status, and property status. Age, sexual orientation and disability are not covered. 'Personal status' could potentially be used to cover those grounds, but no case law to that effect exists. Therefore, judicial interpretation would be required to determine whether age, disability and sexual orientation would be covered under 'personal status'.

This provision applies to all areas covered by the directives. Its material scope is broader than that of the directives. It is directly applicable. This provision can be enforced against private individuals (and private legal persons) (as well as against the state).

2 THE DEFINITION OF DISCRIMINATION

2.1 Definition of the grounds of unlawful discrimination within the directives

National legislation only defines disability and sexual orientation. In national case law, definitions of certain other grounds also exist, as discussed below.

a) Racial or ethnic origin

In national legislation, neither racial nor ethnic origin are defined. In national case law, there was an attempt to clarify 'ethnic origin'. The Supreme Administrative Court (SAC) has held that there was a difference between 'ethnic origin' ('ethnic belonging' or 'ethnic affiliation' in the language of the PADA (*етническа принадлежност*)) and 'origin' (*произход*), also a protected ground in the PADA.³⁰ It held that 'ethnic origin' ('ethnic affiliation') was 'linked to the idea of a social community distinct in terms of tribal affiliation, a common language and a cultural and traditional foundation'. Therefore, the SAC held, treatment allegedly based on belonging to the Roma ethnicity was on grounds of 'ethnic affiliation' ('ethnic origin'). This reasoning was clearly based on the CJEU definition in *CHEZ* (Case C-83/14).

However, there was a case in which the SAC held that the protected ground of ethnicity was not established as it was not proven that the residential area in question was a predominantly Roma one, and even if that were to be considered a publicly known fact, the respondent in question had been referring not to the Roma but to the area as a whole, and not differentiating between residents on protected grounds.³¹ Therefore, no protected ground was established. However, this restrictive interpretation appears incompatible with recent developments in EU jurisprudence, particularly the Grand Chamber's judgment in the 'Danish ghetto case' (Case C-417/23). The CJEU has clarified that direct discrimination occurs whenever a 'consideration relating to ethnic origin' determines a decision, even if the criteria used refer to a residential area as a whole rather than explicitly to a specific ethnic group. Furthermore, the CJEU established that the principle of equal treatment protects all residents of such an area who suffer a disadvantage, regardless of whether they themselves belong to the protected ethnic group, effectively rejecting the argument that a focus on geography precludes a finding of ethnic discrimination.

In more recent years, the SAC has adopted decisions in line with the CJEU's interpretation of ethnicity as a protected ground in the context of predominantly (but not exclusively) Roma residential areas.³²

In 2025, the SAC reaffirmed that the concept of 'discrimination based on ethnic origin' should be applied regardless of whether the collective measure in question affects persons of a particular ethnic origin or persons who, without having being of this origin, suffer together with the former the less favourable treatment or the particular disadvantage resulting from the measure, provided that ethnic origin was a determining factor in the decision leading to the treatment.³³

b) Religion or belief

Neither the PADA nor other national legislation defines religion or belief. The Religious Denominations Act (RDA) defines a 'denomination' as 'a set of beliefs and principles, a religious community and its religious institution'.³⁴ A 'religious community' is defined as a

³⁰ SAC, Decision No. 12620 of 18 October 2018 in Case No. 115/2018.

³¹ SAC, Decision No. 14026 of 21 October 2018 in Case No. 12163/2018.

³² SAC, Decision No. 1013 of 31 January 2023 in Case No. 5811/2022, Decision No. 13045 of 21 October 2020 in Case No. 4671/2020, Decision No. 5647 of 15 May 2020 in Case No. 4334/2019.

³³ SAC, Decision No. 13270 of 19 December 2025 in Case No. 8630/2025.

³⁴ Religious Denominations Act (RDA) (*Закон за вероизповеданията*), adopted December 2002, last amended March 2025, Additional Provisions, paragraph 1(1).

'voluntary union of natural persons for purposes of manifestation of a certain religion and performance of worship, religious rituals and ceremonies'.³⁵ The RDA further defines a 'religious institution' as 'a religious community registered in accordance with [the RDA] that has the capacity of a legal person, governing bodies and a statute'.³⁶ There is no defined relationship, in legislation or case law, between these definitions and religion as a protected ground in the PADA. There is no legal definition of the term 'belief' in either the Constitution or in Bulgarian primary or secondary legislation. The author found no case law defining this concept.

c) Disability

The PADA does not define disability. The PDA defines 'people with disabilities' and 'people with long-term disabilities', and those definitions can be relied on in proceedings under the PADA across all fields and forms of discrimination. Under the PDA, Additional Provisions, paragraph 1(1), people with disabilities are 'persons with physical, mental, intellectual and sensory impairment which in interaction with their environment may hinder their full and effective participation in society'. Furthermore, under the PDA, Additional Provisions, paragraph 1(2), people with long-term disabilities are 'persons with long-term physical, mental, intellectual and sensory insufficiency which in interaction with their environment may hinder their full and effective participation in society, and whom the medical expertise authorities have certified with a type and degree of disability of 50 % and above 50 %'.

If the fact of disability is disputed in a case under the PADA, the above definitions will determine the issue. According to the case law, it is expected that disability will be proven by a medical certificate. A medical certificate is an expert decision handed down by the relevant Territorial Expert Physicians' Commission, which officially assesses people in terms of long-term reduced working ability (type and degree of disability).³⁷

In 2025, the SAC relied on a claimant's medical certification as having a particular percentage of reduced working ability as a matter of course, implying that the fact of their disability was established in this way, i.e. that proof of medical certification is implied for the establishment of the fact of disability.³⁸

In its case law from previous years, the SAC has made a distinction between disability and sickness, but overall it has adopted an expansive construction of the concept of disability, under which, depending on the consequences or the lasting nature thereof, a sickness could qualify as a disability.

In practice, where a person's disability is factually a long-term disability, and they can have it medically certified, they will do so, as long-term disability is linked to enhanced monetary and other (material) entitlements (not better non-discrimination protection) in the PDA. Under the PADA, equality rights are the same for disability and long-term disability across fields and forms of discrimination. In a discrimination case, a person with a disability would be expected to present a medical certificate of their disability and that certificate would determine whether their disability is long-term or not. In practice, a litigant with a disability would not have to deal with the elements of either definition, nor would the court have to establish whether the facts of the case correspond to any of the definitions, as a medical certificate would be used as proof and that certificate would be considered indisputable. A medical certificate would provide proof of a medical condition and its longevity. In terms of societal impact, the court would hear (expert) witnesses and gather other evidence as it saw fit.

³⁵ RDA, Additional Provisions, paragraph 1(2).

³⁶ RDA, Additional Provisions, paragraph 1(3).

³⁷ See information at: <https://www.nelk.bg/> (in Bulgarian).

³⁸ SAC, Decision No. 7797 of 11 July 2025 in Case No. 4170/2025, SAC, Decision No. 12200 of 28 November 2025 in Case No. 7795/2025.

The PDA definition of disability covers any limitation, regardless of whether it is long-term or not. However, as per the established case law, litigants are expected to prove their disability by means of medical documents. In practice, this has not posed barriers to access to justice, as persons with disabilities possess such certificates as a matter of course. In principle, people with any type or degree of disabilities would qualify for a corresponding certificate. Those allow them to access the system of disability-related benefits.

Other legislation, outside the field of non-discrimination, also includes disability-related definitions. In the Automobile Transport Act,³⁹ Additional Provisions, paragraph 1(42), 'a person with disabilities' and 'a person with reduced mobility' are defined within the meaning of Regulation (EU) No. 181/2011. In the Rail Transport Act,⁴⁰ Additional Provisions, paragraph 1(41), 'a person with disabilities' or 'a person with reduced mobility' is defined as a person within the meaning of Article 3(15) of Regulation (EC) No. 1371/2007. In the Pre-School and School Education Act (PSEA), there are definitions of 'a pupil with chronic illnesses' and of 'special educational needs'.⁴¹ In the Ordinance on Inclusive Education issued under the PSEA, there is a definition of 'communication impairments'.⁴²

Furthermore, a piece of secondary legislation defines 'people of reduced mobility' as people who have permanent or temporary difficulties in moving, including, among others, people with various physical, sensory, mental and combined disabilities, people temporarily hindered in their movements (in plaster or using crutches), aged people, and people shorter than 150 cm, including children, people taller than 200 cm, and people who do not speak/understand Bulgarian.⁴³

A further piece of secondary legislation defines 'persons with hearing or speaking impairments' for the purposes of providing such people with access to special conditions of use of the 112 European emergency number.⁴⁴ Another piece of secondary legislation defines 'persons of reduced mobility' as including persons with disabilities within the meaning of the PDA, among others.⁴⁵ A further piece of secondary legislation defines 'a person of reduced mobility' as 'a person whose mobility is reduced in using transport due to physical inability (sensory or locomotor, permanent or temporary), intellectual disability, age or any other reason for inability and whose position requires special attention and adaptation of the services offered to all passengers to the needs of this person'.⁴⁶

³⁹ Automobile Transportation Act (*Закон за автомобилните превози*), adopted September 1999, last amended November 2025.

⁴⁰ Rail Transport Act (*Закон за железопътния транспорт*), adopted November 2000, last amended October 2025.

⁴¹ Pre-School and School Education Act (*Закон за предучилищното и училищното образование*), entry into force 1 August 2016, last amended August 2025, Additional Provisions, paragraph 1(36) and paragraph 1(34).

⁴² Ordinance on Integrative Education (*Наредба за приобщаващото образование*), entry into force 27 October 2017, last amended August 2024, Additional Provisions, paragraph 1(2).

⁴³ Ordinance No. РД-02-20-2 of 26 January 2021 on Fixing the Requirements for Accessibility and Universal Design of the Elements of the Accessible Environment in the Urban Territory and of the Buildings and Infrastructure, as well as the technical requirements for the accessibility of sea beaches (*Наредба № РД-02-20-2 от 26.01.2021 г. за определяне на изискванията за достъпност и универсален дизайн на елементите на достъпната среда в урбанизираната територия и на сградите и съоръженията, както и техническите изисквания за достъпност на морските плажове*), (last amended January 2025), Additional Provisions, paragraph 1(1).

⁴⁴ Ordinance No. 81213-238 of 6 March 2018 (*НАРЕДБА № 81213-238 от 6 март 2018 г. за условията и реда за достъп на хората със слухови или говорни увреждания до единния европейски номер за спешни повиквания 112*), no amendments, Additional Provision, paragraph 1(1).

⁴⁵ Ordinance No. 20 of 8 September 2011 Concerning Safety Rules and Standards for Passenger Ships (*Наредба № 20 от 8 септември 2011 г. относно правилата за безопасност и стандартите за пътническите кораби*), adopted September 2011, last amended August 2021, Additional Provision, paragraph 1.22.

⁴⁶ Ordinance No. 261 of 13 July 2006 on the General Rules for Compensating and Assisting Passengers in Cases of Refusal by an Air Carrier to Let Them on Board an Aircraft and in Cases of Cancellation or Delay of a Flight (*Наредба № 261 от 13.07.2006 г. за общите правила за обезщетяване и оказване съдействие на пътници при отказ на въздушен превозвач да ги допусне на борда на въздухоплавателното средство и при отменяне или забавяне на полет*), adopted July 2006, no amendments, Additional Provisions, paragraph 1(3).

All these definitions would be applicable in a discrimination case within their material scope. For example, in a transport discrimination case, the court or equality body would take into consideration disability definitions in the relevant transport legislation, along with PADA definitions.

In 2021, the SAC held that ‘disability’ was a ‘meaningful, objective, essential’ characteristic and that being sick or healthy was an ‘immanent’ characteristic.⁴⁷ The Court equated any sickness to disability, reasoning: ‘A sick condition is an impairment to the normal activity of the human body that temporarily hampers or renders impossible its normal everyday labour activity... Each human body, to this or that extent, at one time or another, happens to have a sick condition, which means that in principle the sick condition is inherent to a human. Therefore, the protected ground of “disability” is at hand.’ This implies that a short-term condition could equally qualify as a disability. Based on the above holding, which has not yet become settled case law, the conditions for a sickness to qualify as a disability would be: a) an impairment to the normal activity of the human body; b) resulting in work being temporarily hampered or impossible.

d) Age

National legislation does not define age. The Employment Promotion Act (EPA),⁴⁸ Additional Provisions, paragraph 1(4a) defines ‘groups of unequal status on the labour market’, using age as a component, along with other protected grounds.⁴⁹ This definition is relevant for the purposes of the positive measures provided for in the EPA. In terms of the PADA, positive measures in the EPA, including ones on grounds of age, constitute an express exception.⁵⁰ The EPA, Additional Provisions, paragraph 1(18) also defines ‘adult’, which is applicable to positive measures in the EPA.⁵¹

In 2025, the SAC reaffirmed its established flawed case law, in holding that dismissed individuals were not discriminated against on the ground of age because, under the law, the ground for their dismissal was not their age but their entitlement to a pension.⁵² Indirect age discrimination was not considered.

As Bulgaria has a continental legal system, and not one based on legal precedent, these problematic rulings do not determine the law or automatically preclude legal redress in other cases. Therefore, mixed-grounds cases are still litigable under the law; potentially successfully before other courts or judges. Still, the SAC’s case law is, as a matter of course, influential on lower administrative courts, and the SAC has the final word on appeal. That said, different benches within the SAC have been on record to achieve different outcomes in similar cases throughout the evolution of the case law under the PADA.

Moreover, the rulings in question do not contradict the ban on multiple discrimination, as the latter concerns cases where more than one protected ground played a role, whereas in mixed-reasons cases, such as the retirement cases discussed above, a protected ground (age) is coupled with a factor that is not a protected ground (seniority/length of service). Multiple discrimination cases are undisputedly litigable.

⁴⁷ SAC, Decision No. 7293 of 16 June 2021 in Case No. 2405/2021.

⁴⁸ Employment Promotion Act (*Закон за насърчаване на заетостта*), adopted December 2001, entry into force January 2002, last amended March 2025.

⁴⁹ “Groups of unequal status on the labour market” shall be groups of unemployed persons of lower competitiveness on the labour market, including: unemployed youth up to 29 years of age (inclusive); long-term unemployed persons; unemployed persons with permanent disabilities; unemployed persons - parents (adoptive parents) with children up to 4 years of age... unemployed persons older than 55 years....’

⁵⁰ PADA, Article 7(1.9).

⁵¹ “Adult” shall be a person of working age who is not being educated in [school] or [university] and who has not reached the respective retirement age for women and men provided for under the Social Security Code’.

⁵² SAC, Decision No. 4577 of 2 May 2025 in Case No. 7645/2024, Decision No. 9472 of 9 October 2025 in Case No. 4643/2025.

e) Sexual orientation

Sexual orientation is defined in the PADA, Additional Provisions, paragraph 1(10), as 'heterosexual, homosexual or bisexual orientation'. This would potentially exclude other aspects of 'orientation', such as asexuality. As no case law dealing with such specifics exists yet, this would be subject to judicial interpretation.

2.2 Multiple and intersectional discrimination

In Bulgaria, multiple discrimination is prohibited by law.

In Bulgaria, multiple discrimination is taken into account when deciding on discrimination cases, more specifically in terms of the composition of the deciding panel (cases on single grounds are decided by three-member panels, whereas multiple discrimination cases are decided by five-member panels).

In Bulgaria, intersectional discrimination is not prohibited by law. Neither is it taken into account when deciding on discrimination cases (e.g. when imposing a sanction).

The PADA defines multiple discrimination as 'discrimination based on more than one [protected] ground'.⁵³ The PADA places a statutory duty on public authorities to give priority to positive measures for the benefit of multiple discrimination victims.⁵⁴ The PADC hears multiple discrimination cases sitting with an extended panel of five members (rather than three).⁵⁵ The law does not provide for higher compensation levels in cases of multiple discrimination or if the sanction imposed is otherwise influenced. The case law of the courts and of the PADC accepts that multiple grounds cases are litigable, with many such cases being heard and decided.

As of 2025, there is no case law effectively dealing with the concept of multiple discrimination. In several cases, the term was mentioned but was not decisive regarding the substance of the allegation.⁵⁶ In 2025, while cases in Bulgaria in which complainants alleged more than one ground were decided by the PADC and the courts, their rulings discussed none of the conceptual or evidentiary implications of a plurality of grounds.

In 2025, the SAC, relying on the CJEU's judgment in *Milkova*⁵⁷ – although multiple discrimination was not explicitly mentioned in the case – held that if the complainant had been working under an employment relationship and not under a civil service relationship, and in so far as he suffered from a disease included in the relevant statutory provisions, he would have enjoyed protection against dismissal under the Labour Code.⁵⁸

In Bulgaria, intersectional discrimination is not prohibited by law, and so far there has been no case law where this concept has been examined or mentioned.

2.3 Assumed and associated discrimination

a) Discrimination by assumption

In Bulgaria, discrimination based on a perception or assumption of a person's characteristics, is prohibited in national law. The PADA defines 'on [protected] grounds' as

⁵³ PADA, Additional Provisions, paragraph 1(11).

⁵⁴ PADA, Article 11(2). Under Article 11(1), authorities are placed under a general statutory duty to take positive action whenever necessary to achieve the legislation's goals.

⁵⁵ PADA, Article 48(3).

⁵⁶ SAC, Decision No. 6067 of 5 June 2025 in Case No. 2505/2025.

⁵⁷ Judgment of 9 March 2017, *Petya Milkova v Izpalnitelen direktor na Agentsiata za privatizatsia i sledprivatizatsionen kontrol*, C-406/15, EU:C:2017:198. The request for a preliminary ruling originated from the SAC itself.

⁵⁸ SAC, Decision No. 3490 of 2 April 2025 in Case No. 1116/2025.

'on grounds of the actual, past or present, or *presumed* fact of one or more of these characteristics...'.⁵⁹ Therefore, discrimination on perceived or assumed grounds is explicitly prohibited. However, the courts have consistently required that there be an objective presence of a characteristic in order to be able to establish unequal treatment on the ground of 'personal status', which falls outside the scope of the directives.

b) Discrimination by association

In Bulgaria, discrimination based on association with people with particular characteristics is prohibited in national law. The PADA defines 'on grounds of' as 'on grounds of the actual, past or present or presumed fact of one or more of these characteristics in the person discriminated against, *or in another person who is, actually or presumed to be, associated with the person discriminated against*, where this association is a cause of the discrimination'.⁶⁰ Therefore, discrimination by association, including presumed association, is explicitly banned. There has been a case in which the SAC failed to correct the flawed reasoning in a decision by the PADC, which had found that the parents of a child who had allegedly been discriminated against were thereby also discriminated against because they were associated with their child. In this case, the PADC had erroneously decided that the parents were discriminated against simply because their child was discriminated against – not because the parents themselves were treated less favourably. In another case, however, the SAC correctly referred to *Coleman*, differentiating between discrimination against a parent due to their association with their child, and discrimination against their child. In addition, the SAC has explicitly held, invoking *Coleman*, that non-discrimination protection included a ban on unequal treatment of persons associated with a person who is a bearer of a protected ground (but to claim protection, they had to have suffered discrimination personally). In another case, the SAC recognised that the parents of a child with a disability had standing to seek protection against discrimination as persons associated with their child. The case law is, overall, in line with the judgments in Cases C-303/06 *Coleman*, C-83/14 *CHEZ Razpredelenie Bulgaria* and C-38/24 *Bervidi*.

2.4 Direct discrimination (Article 2(2)(a))

a) Prohibition and definition of direct discrimination

In Bulgaria, direct discrimination is prohibited in national law (PADA, Article 4(1)). It is defined in the PADA, Article 4(2) as, 'treating a person on the grounds referred to in Subsection 1 less favourably than another person is treated, has been treated or would be treated in comparable similar circumstances'.

Under the PADA, 'unfavourable treatment' is also defined: 'Unfavourable treatment shall be any act, action or omission that results in less favourable treatment of a person compared to another on [protected] grounds, or that may place a person or persons who have a [protected] characteristic at a particular disadvantage compared to other persons'. This definition, which replaced a previous definition of unfavourable treatment, was adopted following the ruling of the CJEU in Case C-83/14 (the *CHEZ* case).⁶¹ The intention was to clarify that less favourable treatment is not restricted to rights provided for under law. The effect, however, is dubious, the wording being unclear (unfavourable treatment shall result in less favourable treatment).

In 2024, the approach, according to which a finding of discrimination was inconsistent with the employer having exercised a right of theirs provided under a different law (not the PADA) *vis-à-vis* an employee, was reaffirmed by a decision of the SAC, which effectively denied the complainant the right to raise an issue of discrimination on the grounds of age

⁵⁹ PADA, Additional Provisions, paragraph 1(8).

⁶⁰ PADA, Additional Provisions, paragraph 1(8).

⁶¹ Judgment of 16 July 2015, *CHEZ Razpredelenie Bulgaria AD v. Komisija za zashtita ot diskriminatsia*, C-83/14, EU:C:2015:480.

due to her dismissal.⁶²

The Supreme Court of Cassation held that a finding of discrimination did not require a finding of a breach of another piece of legislation, thus a respondent may have acted lawfully under other applicable rules and still be liable for discrimination.⁶³

In terms of identifying the relevant protected *ground* on which the impugned treatment was based, the SAC held that a complainant before the PADC was, in principle, entitled to amend their statements as to which protected ground the alleged discrimination was based on.⁶⁴ Equally, the PADC was *ex officio* competent to identify the relevant protected ground, having established the facts. The Supreme Court of Cassation (SCC) held that identifying the relevant protected ground was a matter of proving a discrimination case, i.e. on the merits, rather than a question of admissibility.⁶⁵ Therefore, it was sufficient for a claimant to initially state facts indicating discrimination based on a protected ground.

Recognising the concept of a *hypothetical comparator* incorporated in Article 4(2) of the PADA the SAC has previously held that a comparator was not required to be actual.⁶⁶ However, in 2025, the Court problematically and explicitly reaffirmed its 2022, 2023 and 2024 case law in holding that it had to be established that a specific person has been treated more favourably and that direct discrimination was not proven as no such persons for comparison were established.⁶⁷

In respect of recognising that no *intent* is required, the SAC and other courts have not been able to fully comply with the directives, which do not require any intent to be established. In 2025, as in previous years, the case law continued to be contradictory with regard to intent. In 2025, the SAC upheld the Sofia City Administrative Court (SCAC) ruling that, in order for the elements of a violation of anti-discrimination legislation to be established, it is necessary to establish that the person was subjected to different treatment carried out 'knowingly'.⁶⁸ There are no particular types of cases or grounds in regard to which the courts tend to require that intent be shown. There is no trend in this regard.

b) Justification for direct discrimination

The PADA does not permit a general justification for direct discrimination with respect to any ground.⁶⁹ It only provides for an exhaustive list of specific exceptions for various protected grounds, including the six EU grounds.⁷⁰

The case law has in some cases conflated various forms of discrimination, including direct and indirect discrimination, applying in some of those cases justifications that are only relevant to indirect discrimination to cases of direct discrimination or harassment. The Sofia City Administrative Court held that, for discriminatory less favourable treatment to be established, such treatment had to not be objectively justified by a legitimate aim pursued by appropriate and necessary means (as well as based exclusively on a protected ground).⁷¹

⁶² SAC, Decision No. 4577 of 2 May 2025 in Case No. 7645/2024.

⁶³ SCC, Ruling No. 288 of 12 April 2021 in Case No. 62/2021.

⁶⁴ SAC, Decision No. 5023 of 26 August 2020 in Case No. 4599/2018.

⁶⁵ SCC, Ruling No. 43 of 28 April 2020 in Case No. 13911/ 2019.

⁶⁶ SAC, Decision No. 164 of 7 January 2020 in Case No. 15327/2018.

⁶⁷ SAC, Decision No. 6140 of 20 May 2024 in Case No. 8085/2023.

⁶⁸ SAC, Decision No. 8258 of 30 July 2025 in Case No. 3924/2024.

⁶⁹ In Bulgaria, national law provides for specific (not general) exceptions for direct discrimination on the ground of age. Under the PADA, there are six exceptions for age altogether, three of which refer to other laws providing for age differentiation.

⁷⁰ PADA, Article 7.

⁷¹ SCAC, Decision No. 370 of 17 January 2020 in Case No. 5586/2019.

In 2025, the SAC correctly in some cases held that the ban on direct discrimination was absolute and there could be no general justification in such cases.⁷² In other cases SAC held that in order for there to be 'direct discrimination' the following elements must be cumulatively fulfilled: 1). less favourable treatment that affects the rights or interests of a given person and is expressed through an act, action or inaction; 2). a person with whom the comparison or similar situation can be made, the so-called 'comparator'; 3). the less favourable treatment must be based on at least one of the protected characteristics; 4). a causal link between the less favourable treatment and the protected characteristic and 5). the absence of legitimate objectives that justify the unequal treatment.⁷³

2.5 Indirect discrimination (Article 2(2)(b))

a) Prohibition and definition of indirect discrimination

In Bulgaria, indirect discrimination is prohibited in national law (PADA, Article 4(1)). It is defined. Article 4(3) of the PADA defines indirect discrimination as, 'placing a person or persons who have a [protected] characteristic or a person or persons without such a characteristic together with the former suffer less favourable treatment or are placed at a particular disadvantage deriving from an apparently neutral provision, criterion or practice, unless the provision, criterion or practice are objectively justified with a view to a legitimate aim and the means to achieving that aim are appropriate and necessary'.

This definition, which amended the previous one, was adopted in 2016 following the CJEU's ruling in *CHEZ* (Case C-83/14). Under the former definition, indirect discrimination was 'placing a person on [protected] grounds in a less favourable situation compared to other persons through an apparently neutral provision, criterion, or practice, unless that provision, criterion, or practice is objectively justified with a view to a legitimate aim and the means to achieving that aim are appropriate and necessary'. The current definition sought to clarify that indirect discrimination by association was banned.

In 2025, no cases were identified where the prohibition of indirect discrimination was used to address structural discrimination, as discussed in the Advocate General's Opinion in Case C-799/23, *Commission v Slovakia*.

b) Justification test for indirect discrimination

Carrying out a justification test in proceedings regarding indirect discrimination is obligatory. Neither the law (PADA, Article 4(3)), nor the case law has specified whether this is to be understood as strict proportionality or mere proportionality. There is no legislative or judicial guidance on what constitutes a 'legitimate aim'. Although a number of indirect discrimination cases have now been decided, the case law has not as yet evolved a standard for either 'a legitimate aim' or 'an appropriate and necessary measure'. As a rule, the PADC and judges have failed to undertake a proper analysis of necessity, including by looking into alternatives to impugned measures. In some cases, they have accepted declarations of necessity by respondents without questioning the link between the asserted aim and the specific measures. In this way, they have failed to properly apply the rule on shifting the burden of proof, de facto excusing respondents of their burden of proof in terms of establishing a justification for disparate impact.

However, in decisions rendered in respect of implementation of the CJEU's *CHEZ* decision, the SAC did discuss the availability or otherwise of alternative means of pursuing a legitimate aim as a consideration in a possible justification analysis.⁷⁴

⁷² SAC, Decision No. 1682 of 20 February 2025 in Case No. 9832/2024.

⁷³ SAC, Decision No. 11254 of 11 November 2025 in Case No. 4535/2025; Decision No. 5520 of 28 May 2025 in Case No. 6382/2023.

⁷⁴ SAC, Decision No. 13045 of 21 October 2020 in Case No. 4671/2020, Decision No. 5647 of 15 May 2020 in Case No. 4334/2019.

2.5.1 Statistical evidence

a) Legal framework

In Bulgaria, there is legislation regulating the collection of personal data. The relevant rules are not included in the PADA and make no provision on using data for purposes of equality litigation or positive measures. Such use is implicitly permissible, on the same grounds as testing, because under general evidentiary rules, any evidence the court finds relevant is admissible.

Data collection is provided for in a number of legislative acts and secondary legislation. Data collection is provided for regarding: racial or ethnic origin; national origin; mother tongue; political, religious or philosophical convictions; membership of political parties or organisations with political, religious, philosophical or trade union aims; health status or disability; sexual life (there has been no movement to include sexual orientation);⁷⁵ personal life; human genome; unlawful acts committed; nationality; sex; age; education; language.⁷⁶

This is considered sensitive data. Under the Protection of Personal Data Act,⁷⁷ personal data regarding racial or ethnic origin, religious beliefs, health status or sexual life, *inter alia* (excluding age), may be processed only when this is absolutely necessary, where there are appropriate safeguards for the rights and freedoms of the data subject, and where this is provided for under EU law or the legislation of Bulgaria.⁷⁸ When the processing of such data is not provided for under EU law or the legislation of Bulgaria, it may be done only when this is absolutely necessary, where there are appropriate safeguards for the rights and freedoms of the data subject, and where a) the aim is to protect vital interests of the data subject or another natural person, or b) the data concerned were obviously made public knowledge by the data subject.⁷⁹ When such data are processed, appropriate measures and safeguards shall be applied to prevent discrimination against natural persons.⁸⁰

No law provides for the collection of ground-disaggregated data explicitly for purposes of equality litigation or policies. Public bodies taking positive measures do use statistics to design such measures.⁸¹ Statistics are collected either by the National Statistical Institute,

⁷⁵ There is no definition of 'sexual life'. The ordinary meaning would apply. It is not meant to work as a synonym for 'sexual orientation'; it is broader, all-encompassing. Everyone would be covered regardless of their sexual orientation or the nature of their sex life (for example, who their partners are would be covered). Sexual orientation would potentially be included in sexual life. Judicial interpretation would be necessary to confirm this (no Case law dealing with this exists). The same goes for 'personal life' – it is broader than 'sexual orientation', potentially covering it.

⁷⁶ Respectively, Statistics Act, Article 21(2) (provision of data not mandatory); Protection of Personal Data Act, Article 51; Census 2021 Act, Article 17(1); Ordinance on the Terms and Procedure to Conclude, Implement and Terminate the Agreement for Integration of Foreigners Granted Asylum (Refugees) or Subsidiary Protection, Article 12(1) and (3) and 15.1; Ordinance on Integrative Education, Article 145(2). The Ministry of the Interior Act does not define personal or sensitive data. The Bulgarian Personal Documents Act defines personal data as 'any information regarding a particular natural person' (Paragraph 1.13 of the Additional Provisions).

⁷⁷ Protection of Personal Data Act (*Закон за защита на личните*), adopted January 2002, last amended August 2024, Article 1(3-5).

⁷⁸ Protection of Personal Data Act, Article 51(1).

⁷⁹ Protection of Personal Data Act, Article 51(2).

⁸⁰ Protection of Personal Data Act, Article 51(3).

⁸¹ In documents providing for positive measures, Government institutions have used statistical data to analyse the status quo. For example, see, in the *National Strategy of the Republic of Bulgaria for Integration of the Roma 2012-2020*, the section on 'Current status of the Roma community', available at: chrome-extension://efaidnbmnnnibpcajpcgiclfefindmkaj/https://commission.europa.eu/system/files/2021-12/national_strategy_-_english_google.docx.pdf (in Bulgarian and English) and in the *National Strategy of the Republic of Bulgaria for Roma Equality, Inclusion and Participation 2021-2030* section III on 'National Context – analysis of the problems and situation', available at: <https://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=6706> (in Bulgarian).

a public institution governed under the Statistics Act, or by public authorities themselves or by private research agencies on commission.⁸²

In Bulgaria, statistical evidence may be admitted by national law in order to establish indirect discrimination. National law implicitly permits any type of evidence in civil cases, including statistical evidence.⁸³ There are no particular conditions for admission of statistics. The admission and evaluation of all evidence, implicitly including statistics, is left to the discretion of judges.⁸⁴

b) Practice

In Bulgaria, statistical evidence has been used in practice in order to establish indirect (and other forms of) discrimination. It is not widespread, but there has been no reluctance on the part of judges or the PADC to consider statistics.

In the past, Sofia trial court judges have rendered several decisions in cases concerning sex quotas for admission to university. The courts have accepted as a statistically established fact that women with higher academic scores were denied admission for the benefit of men with lower results. In other cases, courts have accepted the predominance of Roma in the ethnic composition of certain residential areas as a fact based on statistics.⁸⁵

In 2018, the SAC found that there was discrimination against a category of patients who were denied publicly funded treatment, in contrast with another category of patients, by relying on statistical data presented by an expert who compared two categories of patients in terms of, *inter alia*, the prevalence, consequences and other relevant characteristics of their respective diseases.⁸⁶

In 2025, statistical data were referred to in a case where the SAC⁸⁷ examined the policy of a telecommunications operator requiring a BGN 100 'risk deposit' from customers residing in certain areas identified as 'risk regions'. The operator argued that these regions had been determined on the basis of historical and statistical data indicating higher levels of non-payment, unreturned equipment and other losses. The SAC upheld the finding of the PADC and the lower court that the practice constituted discrimination in the provision of services on the ground of 'personal situation', as the decisive factor was the customer's place of residence. While statistical data were mentioned in the proceedings as part of the operator's justification for the policy, they were not used by the SAC as independent statistical evidence to establish indirect discrimination.

2.6 Harassment (Article 2(3))

a) Prohibition and definition of harassment

In Bulgaria, harassment is prohibited in national law.⁸⁸ It is defined in the PADA, Additional Provisions, paragraph 1(1), as 'any unwanted conduct related to [protected] grounds...

⁸² The National Statistical Institute gathers statistics based on self-determination. Other public services gather statistics based on self-determination in some cases and, in others, on perception. Private sociological research agencies gather statistics of both types.

⁸³ Civil Procedural Code, Article 12.

⁸⁴ Civil Procedural Code, Article 12 in conjunction with Article 10.

⁸⁵ See, *inter alia*, Plovdiv District Court, Decision No. 185 in civil Case No. 1330/2005, 1 February 2006; Plovdiv Regional (appeals) Court, Decision No. 1934 of 24 October 2006 in civil Case No. 862/2006; and Supreme Court of Cassation, Decision No. 1302 in civil Case No. 1602/2006, 28 November 2007; PADC, Decision No. 58 in Case No. 10/2006. These statistics were presented by complainants in some cases, by respondents in others, or established in proceedings by witness testimony or by expert opinion on the basis of official census statistics.

⁸⁶ SAC, Decision No. 2138 of 16 February 2018 in Case No. 13552/2016.

⁸⁷ SAC, Decision No. 1682 of 20 February 2025 in Case No. 9832/2024.

⁸⁸ Article 5 of the PADA states that '[h]arassment based on the grounds referred to in Article 4(1), sexual harassment, incitement to discrimination, victimisation and racial segregation, as well as the creation and

and manifested physically, verbally or in any other manner, having the purpose or effect of violating the dignity of a person and of creating a hostile, degrading, humiliating, offensive or intimidating environment'. The personal scope of the PADA is universal: anyone (including a legal person) may be a victim and everyone (including legal persons) is bound by the prohibition. The material scope of the PADA is universal as well: the bans apply to all rights and legitimate interests.

The term 'a person' in the definition is still occasionally being interpreted as limiting the scope of protection to an individual, rather than a group (in the context of hate speech).⁸⁹

In 2025, in a harassment case (anti-Jewish hate speech), Varna Administrative Court⁹⁰ held that for the conduct to amount to a violation under Article 5 of the PADA, it is not necessary for the behaviour to have infringed the dignity of a specifically identifiable individual, as long as it affects the interests of a particular social group formed on the basis of race, ethnicity, religion, political affiliation, nationality, social status, sexual orientation or another legally protected characteristic.

In 2024, in a harassment (anti-Roma hate speech) case, the SAC held that the impugned statements are capable of violating the dignity and creating an offensive environment not only in relation to specific complainant, but also in relation to a wide range of self-identified individuals of that ethnicity.⁹¹ In the same case, the SCAC reaffirmed that harassment can also occur through an abstract statement, not one addressed to a specific person, whether natural or legal, so long as such a statement refers to a protected ground.⁹²

In terms of intent, in 2024, the SAC held that the specific intent of the person complained against (in this case, the acting Minister of Defence at the relevant time) to direct his statement at a particular individual or at all members of the Roma ethnic group is irrelevant, insofar as the fact that the statement is of a nature to cause the unlawful result outlined in the norm defining 'harassment' is sufficient.⁹³ In 2023, the SAC held that it is not necessary for the victim to prove fully and completely that there has been discrimination, much less to prove the discriminator's intent or consciousness, respectively the purposefulness of the discriminatory acts. It further held that neither did the victim have to prove fully and completely a causal link between the protected characteristic and the less favourable treatment because 'discrimination occurs as a result of stereotypes, prejudices and social attitudes which influence behaviour at the edge of the conscious and subconscious mind, [therefore] proving consciousness, intent or premeditation is in most cases impossible'.⁹⁴ The SAC, in confirming a finding of harassment on the grounds of sexual orientation, rejected the argument of lack of specific intent made by the party complained against, holding that harassment can be established irrespective of whether it leads to 'a deliberately pursued or objectively occurring result'.⁹⁵

While the directives do not ban 'hate speech' or 'negative stereotyping' as such in general terms, the ban on harassment under the directives applies, as a matter of course, to any expression that corresponds to the definition of harassment, i.e. any unwanted conduct related to any of the protected grounds that takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. Accordingly, litigators at the national level have, on many occasions over the years, successfully brought a large number of hate speech cases

maintenance of an architectural environment that hinders access by persons with disabilities to public places, shall be considered discrimination.'

⁸⁹ SCAC, Decision No. 4763 of 13 July 2023 in Case No. 2788/2023.

⁹⁰ Varna Administrative Court, Decision No. 2667 of 10 March 2025 in Case No. 2647/2024.

⁹¹ SAC, Decision No. 8085 of 28 June 2024 in Case No. 2122/2024.

⁹² SCAC, Decision No. 8064 of 21 December 2023 in Case No. 9841/2023.

⁹³ SAC, Decision No. 8085 of 28 June 2024 in Case No. 2122/2024.

⁹⁴ SAC, Decision No. 4885 of 10 May 2023 in Case No. 237/2023.

⁹⁵ SAC, Decision No. 7579 of 10 July 2023 in Case No. 9989/2022. The case concerns a newspaper (both printed and online) article entitled 'U.S. fags sound the alarm'.

to the attention of the courts, invoking the ban on harassment under the PADA (the domestic legislation transposing the directives), whose applicability, as mentioned above, is not limited to the material scope of the directives but goes beyond.

Although the directives do not ban harassment in general terms outside their respective material scopes, under the PADA, harassment is banned in any field. Accordingly, strategic litigators at the national level have successfully triggered a significant body of case law on hate speech construed by the domestic equality body and the domestic courts as harassment within the meaning of the directives, which spans a range of fields both within and outside the scope of the directives as narrowly interpreted. At the national level, under the legislation transposing the directives and going beyond their scope, it has for many years been accepted that anti-minority negative stereotyping in general terms in publicly disseminated expression has an impact on minority rights to equality within the scope of the PADA, i.e. in every field, whether or not the directives can be interpreted in that way. The following paragraphs describe domestic case law dealing with the concept of harassment as applicable to anti-minority public expression as per domestic judicial construction. In general, national case law has construed hate speech as harassment, using the latter concept under the law transposing the directives to protect (or otherwise) people from negative stereotyping.

In 2023, the SCAC annulled a decision of the PADC, by which the latter had found that there had been no harassment in an anti-LGBTIQ social media publication posted on the official page of a political party. The SCAC ruled that the definition of 'harassment' did not distinguish between personal opinion and other verbal statements and held that the impugned statements, expressed publicly and on behalf of a political entity, undoubtedly had demeaned and violated the human dignity of people who identify as LGBTIQ, as they had created an image of them in society that motivated hatred and contempt.⁹⁶ In 2024, the SAC upheld SCAC's decision. It reaffirmed that the party's statements constituted 'harassment' under Article 5 of the Protection against Discrimination Act and that freedom of expression cannot be used to justify hate speech or discrimination.⁹⁷

Similarly, in 2025, Varna Administrative Court rejected the argument that the statements were protected by freedom of expression.⁹⁸ It held that freedom of expression is not absolute and may be restricted to protect the dignity and reputation of others and to prevent discrimination and hate speech. Referring to the case-law of the ECtHR, the Court stressed that expressions promoting hatred or intolerance, including antisemitic speech, do not merit the same level of protection, particularly when made by public figures with significant influence over public opinion.

In 2023, the SCAC upheld a PADC decision which had found no harassment in a case involving a candidate for mayor of Sofia who had promised voters that, if elected mayor, he would stop or ban 'gay pride parades' in the city. It reasoned, *inter alia*, that 'the purpose of the prohibition of harassment is not to sanction abstract judgments, writings and ideas directed at an unspecified range of persons of different ethnicities, races, religious communities, sexual orientation, genders, etc., but specific conduct (expressed through speech, writing, body movement, etc.) directed against a specific person or persons and harming their rights and reputation.'⁹⁹ The decision was appealed,¹⁰⁰ but was upheld by the SAC in 2025.¹⁰¹

In 2025 the SAC¹⁰² held that the first-instance court had incorrectly considered the existence of a comparator to be relevant for establishing harassment. Differential

⁹⁶ SCAC, Decision No. 5976 of 10 October 2023 in Case No. 3833/2023.

⁹⁷ SAC, Decision No. 9763 of 16 September 2024 in Case No. 1198/2024.

⁹⁸ Varna Administrative Court, Decision No. 2667 of 10 March 2025 in Case No. 2647/2024.

⁹⁹ SCAC, Decision No. 4763 of 13 July 2023 in Case No. 2788/2023.

¹⁰⁰ SAC, Case No. 9647/2023.

¹⁰¹ SAC, Decision No. 11094 of 7 November 2025 in Case No. 9647/2023.

¹⁰² SAC, Decision No. 7797 of 11 July 2025 in Case No. 4170/2025.

treatment is not required for a finding of harassment under the Protection against Discrimination Act; it is sufficient to establish unwanted conduct related to a protected characteristic which has the purpose or effect of violating the dignity of the person concerned. In regard to the comparator in harassment cases the Varna Administrative Court¹⁰³ held that a comparator is not required, since harassment by its very nature constitutes a wrongful act that may take various forms and results in adverse effects for the individual concerned.

Some of the above examples demonstrate an ongoing trend of inconsistency when applying the provisions on harassment in hate speech cases.

In Bulgaria, harassment explicitly constitutes a form of discrimination: PADA, Article 5.

b) Scope of liability for harassment

Where harassment is perpetrated by an employee, in Bulgaria, the employer and the employee are liable. Any individual who performs an act of discrimination, including harassment, is liable. In addition, employers are liable for compensation for damages ensuing from the actions of their employees or others carrying out work for them. This is a matter of general tort law, applicable to any legal person.¹⁰⁴ Furthermore, persons, including employers, can be held liable and sanctioned by a fine if they knowingly aided an act of discrimination, including harassment, by a third party.¹⁰⁵ If an employee suffers harassment in the workplace by a third party and complains about it to the employer, the latter has a duty to take action to stop the harassment.¹⁰⁶ If an employer fails to take such action, the affected employee could take legal action against them.

Furthermore, under the PADA, a manager of an educational establishment who receives a complaint by a student alleging harassment by a teacher or other staff, or by another student, shall be under a duty to immediately conduct an inquiry and take measures to abort the abuse, as well as disciplinary sanctions.¹⁰⁷

The same is applicable, in principle, in other fields covered by the PADA: social protection (including healthcare), social advantages and goods and services. Accordingly, a provider who fails to address harassment by third parties after becoming aware of it may potentially incur liability, either on the basis of their own discriminatory omission or for knowingly aiding discrimination. However, no case law has been identified in 2025 in this regard.

2.7 Instructions to discriminate (Article 2(4))

a) Prohibition of instructions to discriminate

In Bulgaria, instructions to discriminate are prohibited in national law. Instructions are not defined. The PADA bans incitement to discrimination, going beyond the directives, and expressly includes instructions to discriminate in its definition.¹⁰⁸ According to the PADA, incitement to discrimination consists of direct and intentional encouragement, giving instructions, exerting pressure or persuading another person to engage in discrimination. From a logical interpretation of this provision, giving instructions constitutes only one of several forms of conduct covered by the broader concept of incitement to discrimination, while exerting pressure or persuading are recognised as separate forms of behaviour rather than elements of instructions. However, this definition may not be compatible with the directives because it requires direct intent. In 2023, the SCAC upheld a finding that there

¹⁰³ Varna Administrative Court, Decision No. 2667 of 10 March 2025 in Case No. 2647/2024.

¹⁰⁴ Obligations and Contracts Act (*Закон за задълженията и договорите*), Article 49.

¹⁰⁵ PADA, Article 8.

¹⁰⁶ PADA, Article 17.

¹⁰⁷ PADA, Article 31.

¹⁰⁸ PADA, Article 5 in conjunction with Additional Provisions, paragraph 1.5.

had been no incitement to discrimination as the content and direction of the statement in question did not reveal any intention to encourage, instruct, pressure or induce discrimination.¹⁰⁹ In 2024, the SAC upheld SCAC's decision.¹¹⁰ In many cases, both the PADC and the courts have qualified public hate speech as incitement to discrimination.¹¹¹

In Bulgaria, instructions to discriminate do not require a hierarchical relationship between the instructor and instructed person.

In 2025, the SAC upheld a finding that the publication of an online article constituted incitement to discrimination on grounds of ethnic origin. The SAC held that the expressions used clearly demonstrate a lack of impartiality in the publication and may offend a person or a group of persons belonging to the Roma ethnic community. By emphasising the perpetrators and their ethnicity through the use of specific epithets, the focus of the published news article is shifted away from the criminal act itself. In this way, the publication creates a likelihood of reinforcing already existing negative stereotypes regarding the Roma ethnic group, as well as an offensive environment for its members, which justifies the conclusion that the situation falls within the notion of incitement to discrimination. Such conduct creates unfavourable conditions and attitudes towards groups whose members possess a characteristic protected by law. The SAC also recalled that, although Article 10 ECHR protects the freedom to express opinions and disseminate information, the exercise of this right must not lead to discrimination on protected grounds as prohibited under Article 14 ECHR.¹¹²

In 2025, the SAC upheld lower court decisions finding that statements made during a television programme and targeting persons identifying with a Macedonian ethnic identity and related political views did not amount to incitement to discrimination on the grounds of 'belief' or ethnic origin' under the PADA. Although the expressions used were ironic and inappropriate in tone, the Court held that they did not reach the required threshold of seriousness to constitute harassment or incitement to discrimination. In particular, the Court found that the statements did not amount to a deliberate provocation of a public environment of disapproval, rejection or intolerance towards the persons concerned, nor did they contain any call to hatred or violence based on protected grounds such as ethnic origin or beliefs. The SAC examined and compared the limits of the application of freedom of expression under Article 10 ECHR with those of the prohibition of discrimination. Referring to ECtHR case-law, it noted that media actors may use 'a certain degree of exaggeration or even provocation' in public debate and concluded that the statements therefore did not fall outside the protection of Article 10 ECHR.¹¹³

In Bulgaria, instructions explicitly constitute a form of discrimination. Under the PADA, in Article 5, incitement to discrimination, including instructions to discriminate, is expressly defined as a form of discrimination.

b) Scope of liability for instructions to discriminate

In Bulgaria, the instructor and the discriminator are liable.¹¹⁴ The instructor is liable for the instruction and not for the discrimination that ensued. There is no information on case law concerning instructions as such. The case law on incitement concerns hate speech.

¹⁰⁹ SCAC, Decision No. 8064 of 21 December 2023 in Case No. 9841/2023.

¹¹⁰ SAC, Decision No. 8085 of 28 June 2024 in Case No. 2122/2024.

¹¹¹ For instance, PADC, Decision No. 450 of 20 November 2018 in Case No. 180/2017.

¹¹² SAC, Decision No. 5014 of 14 May 2025 in Case No. 10780/2024.

¹¹³ SAC, Decision No. 12799 of 11 December 2025 in Case No. 3673/2025.

¹¹⁴ PADA, Articles 71 and 78.

2.8 Reasonable accommodation duties (Article 2(2)(b)(ii) and Article 5 Directive 2000/78)

- a) Implementation of the duty to provide reasonable accommodation for persons with disabilities in the area of employment

In Bulgaria, the duty on employers to provide reasonable accommodation for persons with disabilities is included in the law, but is not defined. The PADA, in Article 16, provides for accommodation for persons with disabilities in employment.¹¹⁵ This duty covers employees and successful job applicants (selected candidates entering employment) but, contrary to Directive 2000/78, not all job applicants (for purposes of their application and participation in the selection process). The limit of the duty is when 'costs are unfoundedly large and would seriously hinder' the employer.¹¹⁶ While Article 16 provides for adjusting 'the workplace', seemingly thereby excluding working hours and other aspects of a job that could possibly require adjusting, there is no judicial interpretation to the effect that the duty is limited in this way. The term 'workplace' was intended by the legislator to be broadly interpreted: in national legal usage, this term may be synonymous with 'job'.

In proceedings under the PADA, the PDA could apply subsidiarily. The two acts have different subject matters and do not necessarily duplicate each other. A claim for discrimination is supposed to be based on the PADA. Under the PDA, 'reasonable facilitations' (*разумни улеснения*) are listed among the means to support persons with disabilities for purposes of their social inclusion.¹¹⁷ Persons with disabilities are entitled to rehabilitation, which includes, *inter alia*, professional rehabilitation and labour rehabilitation.¹¹⁸ Professional rehabilitation includes 'support to overcome barriers of functional limitations to practice an acquired profession, an accommodated (adapted) workplace and work conditions fitting the needs of the person with a disability and others'.¹¹⁹ Labour rehabilitation includes 'adapting the labour environment to ensure employment for people with disabilities'.¹²⁰ Under the PDA, there is no 'reasonable' or 'disproportionate burden' limit to these entitlements.

Under the PDA, an employer is under a duty to adapt the workplace to the needs of a person with a disability upon their hiring, if necessary, depending on the type and degree of the disability.¹²¹ This provision does not cover job applicants as such but only selected candidates. Furthermore, on the face of it, it does not cover existing employees whose disabilities occur in the course of their employment. An employer may be funded by the Agency for People with Disabilities for the purpose of securing access to a workplace for a person with a long-term disability; for adapting a workplace for a person with a long-term disability; or for equipping a workplace for a person with a long-term disability.¹²² This support is available only for people who are officially (medically) assessed as having a disability.

Although it appears that the PDA entitlement covers only successful job applicants, but not employees who acquired a disability subsequent to being hired, that gap seems to be filled by the relevant PADA provisions. Accordingly, as mentioned, job applicants are not covered by the specific provisions of Article 16 of the PADA and Article 40 of the PDA. They could not, based on those provisions, claim reasonable accommodation at an interview. If confirmed by judicial interpretation, this would be a breach of the directive. However, the

¹¹⁵ The provision reads: 'The employer is under a duty to adjust the workplace to the needs of a person with a disability upon the latter's hiring or when the person's disability occurs following their hiring, unless the costs of this are unfoundedly large and would seriously hinder the employer'.

¹¹⁶ PADA, Article 16.

¹¹⁷ PDA, Article 5(2.4).

¹¹⁸ PDA, Article 29(1).

¹¹⁹ PDA, Article 29(6.5).

¹²⁰ PDA, Article 29(9.6).

¹²¹ PDA, Article 40.

¹²² PDA, Article 44(1.1-3).

general provisions of the PDA on 'reasonable facilitations', accessibility, and 'professional rehabilitation' and 'labour rehabilitation, construed as a system, could arguably serve as a legal basis for judicial interpretation covering job applicants, as well as selected candidates and employees.

As the duties under both laws refer to 'employers', 'the workplace' and 'the labour environment', they arguably do not cover people undergoing vocational training. In the case of training provided by an employer, this apparent meaning of the provisions, if not expanded by judicial construction, would be in breach of the directive. There are no criteria in the laws for assessing the extent of the duties.

According to the Labour Code, employers are under a duty to provide accommodation for workers 'who, because of illness or labour accident, are unable to perform their assigned job but are able, without endangering their health, to perform another suitable job or the same one under alleviated conditions'.¹²³ This duty pre-dates both the PADA and the PDA, as well as the directive.¹²⁴ It has no disproportionate burden limit. It is based on an instruction by the health authorities. An employer who fails to comply with such an instruction owes the employee concerned compensation.¹²⁵

Under the Civil Servant Act, there is an absolute duty for employers to 'adapt the workplace of the civil servant with a permanent disability in a way that makes it possible for their civil service to be carried out'.¹²⁶

The duty to provide reasonable accommodation for private sector workers and for civil servants in the public sector is not similar, either in law or in practice. The Civil Servant Act requires the appointing authority to adapt the workplace of a civil servant with a permanent disability, reflecting the concept of reasonable accommodation. By contrast, the Labour Code relies on the traditional concept of labour rehabilitation, requiring the reassignment of an employee to another suitable position or the adaptation of working conditions following a medical assessment.

According to the Healthy and Safe Working Conditions Act, employers are under a duty to provide the appropriate facilities for employees with reduced working capacity, e.g. persons with disabilities, in their workplaces.¹²⁷ Employers are to be assisted and consulted by special occupational health authorities in adapting jobs to employees' capabilities, considering their physical and mental health, by special labour medicine authorities.¹²⁸

The lack of definitions of the duties on employers to provide reasonable accommodation for persons with disabilities is not on record as having caused difficulties in implementation, as there have, as yet, been very few reasonable accommodation cases, as far as information is available.

There is no provision or case law to the effect that the availability of financial assistance from the state is to be taken into account in assessing whether there is a disproportionate burden.

¹²³ Labour Code (*Кодекс на труда*), entered into force 1 January 1987, last amended 30 December 2025, Article 314. Such accommodation can include both adjustments to working conditions for the same job or reassignment to another job.

¹²⁴ The Labour Code, including this particular provision, has been in force since 1987.

¹²⁵ Labour Code, Article 317(4).

¹²⁶ Civil Servant Act (*Закон за държавния служител*), entered into force 28 August 1999, last amended October 2023, Article 30.

¹²⁷ Healthy and Safe Working Conditions Act (HSWCA) (*Закон за здравословни и безопасни условия на труд*), last amended 29 March 2024, Article 16(1.4).

¹²⁸ HSWCA, Article 25(2.3). Those authorities are charged, *inter alia*, with monitoring and analysing employees' health status (HSWCA, Articles 25a(1.2) and (1.4)).

b) Case law

In 2022, the SAC held, in a case concerning the non-admittance of a blind juror to court hearings, that reasonable accommodation may consist of material, personal or organisational assistance.¹²⁹ The Court's decision was based on the reasoning put forward in a CJEU judgment.¹³⁰ The SAC essentially referred the case back to the PADC with injunctions to the latter to take into consideration the judgment in case C-824/19, i.e. to consider whether eyesight is essential for the carrying out of the activity at issue and whether a reasonable accommodation would have been applicable. It should also be noted that in Bulgaria, jurors are officials who are appointed pursuant to the Law on the judiciary. According to a Supreme Judicial Council (SJC) ordinance,¹³¹ jurors shall be remunerated from the budget of the judiciary for the time during which they perform their functions and duties.

There is no case law expressly addressing whether an employer may invoke disproportionate burden where the barrier results from non-compliance with applicable accessibility or building regulations. This is because such cases in Bulgarian practice are generally not analysed through the framework of reasonable accommodation and disproportionate burden, but are instead treated as a form of direct discrimination. As a result, courts do not usually examine whether the required measures would impose a disproportionate burden on the employer.

There is no provision or case law on taking into account the availability of financial assistance from the state.

c) Definition of disability and non-discrimination protection

The definition of a disability for the purposes of claiming reasonable accommodation is no different from the definition for claiming protection from discrimination in general. The definitions of 'people with disabilities' and 'people with long-term disabilities' in the PDA apply for all purposes under the law, including non-discrimination and reasonable accommodation. The definition is the same in the private and the public sectors. In addition, the courts increasingly and relatively consistently rely on the CRPD concerning the concept of disability. They do not 'require', strictly speaking, medical proof of disability, as claimants/complainants are at liberty to choose their own evidence to present, in accordance with general procedural rules. It is implicitly accepted that medical proof (official assessment by the competent expert administrative bodies) is expected, in a legal context, to prove disability. There have not been any cases in which complainants have tried to establish disability with regard to a specific individual without the use of official medical certificates. In practice, this is not on record as having been an issue for litigation in the sense of persons with disabilities not possessing such certificates, having been unable to obtain them for some reason.¹³² As a rule, such certificates would be obtained by an individual with a disability in order for them to access the various entitlements, financial and otherwise, of persons with disabilities under the legislation, regardless of any anti-discrimination protection.

¹²⁹ SAC, Decision No. 7115 of 14 July 2022 in Case No. 1084/2018.

¹³⁰ Judgment of 21 October 2021, *TC and UB v. Komisia za zashtita ot diskriminatsia and VA*, Case C-824/19, ECLI:EU:C:2021:862.

¹³¹ SJC, Ordinance No. 7 on jurors, entered into force 10 October 2017, last amended 30 September 2022.

¹³² The courts are not manifestly barred from establishing a disability without the certificates in question, but case law shows that the courts have relied exclusively on such certificates and that on at least one occasion they did not accept other documents such as discharge reports or ambulatory documents. See, for example, PADC, Decision No. 190 of 9 February 2021 in Case No. 888/2019.

d) Failure to meet the duty of reasonable accommodation for persons with disabilities

In Bulgaria, failure to meet the duty of reasonable accommodation is not recognised as a form of discrimination under the PADA or PDA in either the private or the public sectors. Under the PADA, unlike other forms of conduct, such as building or maintaining an inaccessible public architectural environment, a denial of reasonable accommodation is not defined as a form of discrimination. There is no provision on the relation of such a denial to direct or indirect discrimination. The same applies for a failure to meet accommodation duties under the PDA, the Labour Code, the Civil Servant Act and the Healthy and Safe Working Conditions Act.

Previously, the SAC has confirmed that a governmental failure to provide, under secondary legislation, what the SAC termed 'reasonable facilitations' (reasonable accommodation), constituted discrimination under the CRPD and the ICCPR, as well as a violation of general mainstreaming/positive duties for authorities under the PADA.¹³³ While this case obviously did not concern an individualised measure, but a piece of secondary legislation laying down rules on reimbursement of costs for medical devices, the court qualified the denial of the healthcare authorities to cover for the costs related to the treatment of the complainant's specific health condition as a denial of 'reasonable facilitations' (reasonable accommodation) (as well as an act of discrimination within the meaning of the CRPD and ICCPR), *and* a breach of the authorities' duties to take special, equalising measures.

Under the PADA, there is a disproportionate burden defence for employers and educators – namely, where the costs are 'unreasonably high' or would 'seriously hinder' the organisation. Under the PDA, employers and professional institutions have no such defence, but absolute duties instead.

According to general PADA violation provisions, a failure to provide reasonable accommodation is subject to a fine of between EUR 125 (BGN 250) and EUR 1 000 (BGN 2 000) for a natural person and between EUR 125 (BGN 250) and EUR 1 250 (BGN 2 500) for a legal person.¹³⁴ Under the PADA, the shifting burden of proof would apply if the court or the PADC agrees that a case against a failure to provide reasonable accommodation constitutes 'proceedings for protection against discrimination' within the meaning of the PADA, Article 9.

e) Duties to provide reasonable accommodation in areas other than employment for persons with disabilities

In Bulgaria, there is a legal duty to provide reasonable accommodation for persons with disabilities outside the area of employment. Article 32 of the PADA provides for reasonable accommodation in education. The limit of the duty is, as in employment, when the 'costs are unreasonably high and would seriously hinder' the educator.¹³⁵ The PDA provides for a duty on universities to ensure a supportive environment and 'special accommodations'.¹³⁶ Children and school students are entitled to 'additional support' to facilitate their equal access to quality education and inclusion.¹³⁷ Regional inclusive education support centres have a duty to provide such additional support to children and students with disabilities, as well as 'resource support' to children and students with 'special educational needs'.¹³⁸ The PDA duties are absolute (there is no disproportionate burden defence).

In addition, under the PDA, people with long-term disabilities are entitled to financial aid for the accommodation of housing.¹³⁹ A person with a disability who experiences serious

¹³³ SAC, Decision No. 5302 of 24 April 2018 in Case No. 11143/2016.

¹³⁴ PADA, Article 80(1) and (2).

¹³⁵ PADA, Article 32.

¹³⁶ PDA, Article 33.

¹³⁷ PDA, Article 31(2).

¹³⁸ PDA, Article 32(1).

¹³⁹ PDA, Article 24(2.2), Article 75(1).

difficulties in exercising independently their rights when undertaking legal actions is entitled to support measures (assisted decision-making) for access to justice; those measures are to be provided for by law.¹⁴⁰

The Ordinance on Inclusive Education¹⁴¹ (the Ordinance) governing education for pupils with disabilities in mainstream and special schools defines 'reasonable facilitations' (*разумни улеснения*) as 'all kinds of necessary and appropriate modifications and adjustments that do not result in disproportionate or unjustified burdening of others, when those are necessary in every individual case to ensure a person with a disability the recognition or exercise of all rights and basic freedoms on an equal footing with all others within the meaning of the Convention on the Rights of Persons with Disabilities'.¹⁴²

The Ordinance provides for equal access to education through reasonable facilitations and various forms of accessibility and other resources.¹⁴³ It defines reasonable facilitations as a means to make textbooks and other learning materials accessible.¹⁴⁴ It specifically provides for reasonable facilitations for taking school leaving exams.¹⁴⁵

Under the Physical Education and Sports Act, sports shall be promoted by, *inter alia*, the creation of conditions for adapted physical exercise and sports practice by persons with disabilities.¹⁴⁶ In schools and pre-school establishments, conditions for adapted physical exercise and sports shall be created.¹⁴⁷ Adapted physical activity is defined as physical activity by people of reduced capabilities or health issues that fosters their health.¹⁴⁸

In a case of denial of access to public funding for medical equipment/treatment brought by a person with a disability, the SAC confirmed that a governmental failure to provide, under secondary legislation, full funding for a special piece of medical equipment constituted a denial of 'reasonable facilitations' (reasonable accommodation) – discrimination under the CRPD and ICCPR (as well as a violation of general mainstreaming/positive duties for authorities under the PADA).¹⁴⁹ The Court held that, for the purposes of establishing such a violation, no comparison was needed. The SAC invoked the CRPD definition of 'reasonable facilitations' (reasonable accommodation).

f) Duties to provide reasonable accommodation in respect of other grounds

In Bulgaria, there is a legal duty to provide reasonable accommodation in respect of one other ground, in both the public and private sector.

Religion/belief

Under Article 13(2) of the PADA, employers have a duty to provide reasonable accommodation for religion/belief in terms of working hours and rest days, where 'this would not lead to excessive difficulties... and where [it is possible] ...to compensate for the potential adverse consequences on the [business]'.¹⁵⁰ There has been no litigation on record as yet based on this provision. It is unknown whether it is applied in practice or not.

¹⁴⁰ PADA, Articles 65 - 67. Article 65(1) was amended in the above sense in 2020, with the amendment entering into force as of 2021.

¹⁴¹ Ordinance on Integrative Education (OIE) (*Наредба за приобщаващото образование*), entry into force 27 October 2017, last amended August 2024, Additional Provisions, paragraph 1.8.

¹⁴² OIE, Additional Provisions, paragraph 1.8.

¹⁴³ OIE, Article 102.

¹⁴⁴ OIE, Article 105.

¹⁴⁵ OIE, Article 107.

¹⁴⁶ Physical Education and Sports Act (*Закон за физическото възпитание и спорта*) (PESA), entry into force January 2019, last amended September 2024, Article 47(2.3).

¹⁴⁷ PESA, Article 51(1).

¹⁴⁸ PESA, Additional Provisions, paragraph 1.1.

¹⁴⁹ SAC, Decision No. 5302 of 24 April 2018 in Case No. 11143/2016.

¹⁵⁰ Under discrimination law, there is no definition of religion or belief in this or any other context.

3 PERSONAL AND MATERIAL SCOPE

3.1 Personal scope

No cases of discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems were identified.

3.1.1 EU and non-EU nationals (Recital 13 and Article 3(2), Directive 2000/43 and Recital 12 and Article 3(2), Directive 2000/78)

In Bulgaria, there are no residence or citizenship/nationality requirements for protection contained in the relevant national laws transposing the directives. Non-nationals, as well as nationals are entitled to protection from discrimination on any ground other than nationality.¹⁵¹ Legal residence is irrelevant to entitlement to anti-discrimination protection; only factual being within the territory is a condition. However, non-nationals are protected from discrimination based on nationality only insofar as such discrimination has no basis in primary legislation.¹⁵²

Those with irregular status are entitled to the protection of the directives, as factual being within the territory is the only condition.

3.1.2 Natural and legal persons (Recital 16, Directive 2000/43)

a) Protection against discrimination

In Bulgaria, the personal scope of anti-discrimination law covers natural and legal persons for the purpose of protection against discrimination (PADA, Article 3(1)). Legal entities and non-incorporated associations are protected, as well as individuals, where the former suffer discrimination on grounds of characteristics of their employees or members.¹⁵³ The courts and the PADC have generally recognised the standing of legal persons as victims. In 2023, in a case of alleged harassment (hate speech) brought by both an NGO and its president, the SCAC held that the violation should be examined in respect of both the president, as an individual, and the NGO, in relation to its members or staff who belong to the community possessing the protected ground at issue. Therefore, an association of natural persons may enjoy the rights under the PADA, when the association itself is discriminated against on a ground related to its members.¹⁵⁴ In 2024, the SAC upheld SCAC's decision.¹⁵⁵ In another case in 2024, which was initiated by LGBTI organisation Deystvie and two individuals and involved a Facebook post by the nationalist political party VMRO referring to the LGBTI community in a discriminatory manner, the SAC upheld the SCAC's ruling and established discrimination against individuals and the organisation.¹⁵⁶

National law is in compliance with EU law.

b) Liability for discrimination

In Bulgaria, the personal scope of anti-discrimination law covers natural and legal persons for the purpose of liability for discrimination. The PADA makes no distinction between individuals and legal entities in terms of the ban on discrimination. The ban is expressly applicable *erga omnes*, including all legal persons.¹⁵⁷ Case law has recognised this.

¹⁵¹ PADA, Article 3(1).

¹⁵² PADA, Article 7(1.1).

¹⁵³ PADA, Article 3(2).

¹⁵⁴ SCAC, Decision No. 8064 of 21 December 2023 in Case No. 9841/2023.

¹⁵⁵ SAC, Decision No. 8085 of 28 June 2024 in Case No. 2122/2024.

¹⁵⁶ SAC, Decision No. 9763 of 16 September 2024 in Case No. 1198/2024.

¹⁵⁷ PADA, Article 6(1).

However, in one case (alleged anti-Roma hate speech by the Prosecutor General), the SAC held that, under the Constitution, magistrates may not be held liable for their official actions (unless they constitute a crime).¹⁵⁸ Proceedings under the PADA regarding administrative-penal liability of a magistrate were unconstitutional. This ruling, should it become settled case law, could limit the personal scope of the PADA in breach of the directives in cases where magistrates engaged in harassment, for instance, or made case administration decisions based on protected grounds – for example, the case involving a blind juror discussed in section 4.1. As opposed to the aforementioned decision regarding the Prosecutor General the possibility of the respondent magistrates (two judges) being held liable for discrimination was not called into question.

3.1.3 Private and public sector including public bodies (Article 3(1))

a) Protection against discrimination

In Bulgaria, the personal scope of national law covers the private and public sectors, including public bodies, for the purpose of protection against discrimination.¹⁵⁹ The national provisions comply with the directives.

b) Liability for discrimination

In Bulgaria, the personal scope of anti-discrimination law covers the private and public sectors, including public bodies, for the purpose of liability for discrimination.¹⁶⁰ The prohibition is expressly *erga omnes*. The case law has recognised this, with numerous cases against public bodies heard and decided on the merits (regardless of some unstable contradictions in previous years regarding the liability of public bodies).

3.2 Material scope

No cases of discrimination stemming from and/or involving the use of artificial intelligence and/or automated systems were identified.

3.2.1 Conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy (Article 3(1)(a))

In Bulgaria, national legislation applies to all sectors of private and public employment, self-employment and occupation, including contract work, self-employment, military service and holding statutory office, for the five grounds.¹⁶¹ The relevant provisions consist of the general ban on discrimination, which has universal scope,¹⁶² and certain specific employment discrimination bans.¹⁶³ The latter provide examples of the conduct prohibited under the general discrimination ban (e.g. no discriminatory job requirements; no demands for information about protected grounds from job applicants; right to equal conditions for access to a profession or activity and to equal opportunities for exercising a profession or activity). These specific provisions constitute Title I of the PADA: 'Protection in the exercise of the right to labour'.

In 2025, as in previous years, the courts decided on cases brought by (former) employees and civil servants. For example, relying on the judgment in *Milkova*, the SAC held that it was indisputable that if the claimant (a civil servant) had been working under an

¹⁵⁸ SAC, Decision No. 5610 of 14 May 2020 in Case No. 14676/2019.

¹⁵⁹ PADA, Article 3(1).

¹⁶⁰ PADA, Article 6(1).

¹⁶¹ PADA, Article 6(1) and Articles 12-28.

¹⁶² The Supreme Administrative Court has recognised in its case law that the ban is, in that sense, 'absolute'. See, among other authorities, SAC, Decision No. 7597 of 15 June 2017 in Case No. 569/2016.

¹⁶³ PADA, Article 6(1), Articles 12-28 and Article 37(2).

employment relationship and not under a civil service relationship, and in so far as he had a disease included in the relevant provisions granting special protection to employees that had certain health conditions, he would have enjoyed the protection of dismissal under Article 333 paragraph 1(3) of the Labour Code. The SAC concluded that there was an impermissible differentiation between persons with the same illnesses on the ground that they work under a different type of legal relationship, unjustified by an objective, legal purpose, in the presence of statutory protection in the event of dismissal of only the former.¹⁶⁴

In terms of 'conditions for access to self-employment', the PADA explicitly guarantees individuals an entitlement to equal conditions for access to a profession or activity, and an opportunity to practice the profession.¹⁶⁵ Additionally, discrimination is prohibited in the public sector and the economy directly or indirectly related to business activity, including as regards the setting up of, the provision of equipment for or the expansion of business activity, or the starting up or expansion of any form of such activity.¹⁶⁶ Furthermore, the PADA prohibits trade unions, industry/branch and other professional organisations from fixing requirements for enrolment, membership and participation in their activities based on any protected grounds, apart from education.¹⁶⁷ Additionally, conditions for access to self-employment are covered by the general comprehensive provision on the universal material scope of the PADA.¹⁶⁸

There is no relevant case law on record.

Gender identity/expression or sex characteristics are not covered in national legislation.

3.2.2 Employment and working conditions, including pay and dismissals (Article 3(1)(c))

In Bulgaria, national legislation prohibits discrimination in working conditions, including pay and dismissals, for all five grounds and for both private and public employment.¹⁶⁹ In addition to banning all manifestations of discrimination in an all-encompassing material scope, the PADA specifically outlaws, *inter alia*: hiring under worse conditions; unequal working conditions; unequal pay; unequal performance review criteria; unequal opportunities for career advancement; unequal conditions/opportunities for career development in a profession or activity.¹⁷⁰

Gender identity/expression or sex characteristics are not covered in national legislation.

3.2.3 Access to all types and all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience (Article 3(1)(b))

In Bulgaria, national legislation prohibits discrimination in vocational training outside the employment relationship, such as adult lifelong learning courses or vocational training provided by technical schools or universities.¹⁷¹

¹⁶⁴ SAC, Decision No. 3490 of 2 April 2025 in Case No. 1116/2025.

¹⁶⁵ PADA, Article 36.

¹⁶⁶ PADA, Article 37(2).

¹⁶⁷ PADA, Article 26.

¹⁶⁸ PADA, Article 6(1).

¹⁶⁹ PADA, Article 6(1). Article 6(1) does not list any specific fields of application. It does not mention dismissals or pay. It is a general norm providing for a universal scope, implicitly covering any specific field. It reads: 'The ban on discrimination applies to all persons in the exercise and the defence of the rights and freedoms provided for under the Constitution and the laws of the Republic of Bulgaria.'

¹⁷⁰ PADA, Articles 12-14, and 26.

¹⁷¹ PADA, Article 6(1) and Articles 29-35. Article 6(1) is a general provision, implicitly covering these fields. Articles 29-35 do not list specific fields of application but provide for specific bans (bans on particular conduct) in the fields of education and training.

Gender identity/expression or sex characteristics are not covered in national legislation.

3.2.4 Membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations (Article 3(1)(d))

In Bulgaria, national legislation prohibits discrimination in relation to membership of and involvement in workers' or employers' organisations, as formulated in the directives for all five grounds and for both private and public employment.¹⁷²

Gender identity/expression or sex characteristics are not covered in national legislation.

3.2.5 Social protection, including social security and healthcare (Article 3(1)(e) Directive 2000/43)

In Bulgaria, national legislation prohibits discrimination in social protection, including social security and healthcare as formulated in the Racial Equality Directive.¹⁷³ All five grounds are covered.

Racial/ethnic discrimination in social housing is covered regardless of whether it is defined as social protection or as housing (or in any other manner), as the PADA bans discrimination in all areas, applicable to all rights and freedoms.

Gender identity/expression or sex characteristics are not covered in national legislation.

a) Article 3(3) exception (Directive 2000/78)

The PADA transposes the exception in Article 3(3) of Directive 2000/78/EC with respect to age, and no other ground, as concerns eligibility for pension ages only.¹⁷⁴

3.2.6 Social advantages (Article 3(1)(f) Directive 2000/43)

In Bulgaria, national legislation implicitly prohibits discrimination in social advantages, as formulated in the Racial Equality Directive.¹⁷⁵ All five grounds are covered. Gender identity/expression or sex characteristics are not covered in national legislation.

3.2.7 Education (Article 3(1)(g) Directive 2000/43)

In Bulgaria, national legislation prohibits discrimination in education as formulated in the Racial Equality Directive.¹⁷⁶ All five grounds are covered. The scope of protection under the PADA is universal: discrimination is banned with regard to the exercise of all rights and freedoms (Article 6(1)). Therefore, any discriminatory treatment in school would be covered, including educational content. Gender identity/expression or sex characteristics are not covered in national legislation.

¹⁷² PADA, Article 6(1) and Article 36.

¹⁷³ PADA, Article 6(1).

¹⁷⁴ PADA, Article 7(1.8).

¹⁷⁵ PADA, Article 6(1). Article 6(1) is a general norm providing for a universal scope, implicitly covering any specific field, including social advantages. It reads: 'The ban on discrimination applies to all persons in the exercise and the defence of the rights and freedoms provided for under the Constitution and the laws of the Republic of Bulgaria.' There is no case law on social advantages. There has never been a decision, by the courts or the equality body, as far as the author is aware, to deny the universal, all-encompassing scope of the PADA.

¹⁷⁶ PADA, Article 6(1) and Articles 29-35. Article 6(1) is a general provision, implicitly covering these fields. Articles 29-35 do not list specific fields of application but provide for specific bans (bans on particular conduct) in the fields of education and training.

In addition, according to the Pre-School and School Education Act, everyone shall have a right to education and inclusive education is an integral part of the right to education.¹⁷⁷ Equal access to quality education and the inclusion of every child, as well as equal treatment and non-discrimination, are among the principles of education.¹⁷⁸ Compulsory pre-school and school education is free.¹⁷⁹

In 2025, as in previous years, there are still practices in relation to pupils with disabilities that give rise to problems. While, under the legislation, integrative (inclusive) education is the rule,¹⁸⁰ and declared an integral part of the right to education,¹⁸¹ in practice, inclusion of all pupils with disabilities is yet to be achieved.

In 2022, approximately one third of all children with disabilities (10 000 out of 32 000) were excluded from education, according to UNICEF Bulgaria.¹⁸² In 2025, 26 136 children with special educational needs were enrolled in schools and kindergartens, including mainstream ones.¹⁸³ According to UNICEF, kindergartens and schools lacked adequate support needed for inclusiveness: teachers' capacity to provide personalised comprehensive (multi-disciplinary) support to students with special needs is insufficient.¹⁸⁴ More supportive (alternative communication) technology and adapted learning materials were needed, as well as physical accessibility in most schools and public transportation to schools, sports facilities, etc.¹⁸⁵ Negative stereotyping and discrimination by peers, staff and others resulted in segregation of students with disabilities. Experts confirmed that often, the 'integrated' education of students with disabilities occurred in separate classes and groups.¹⁸⁶ Experts agreed that children with psychiatric disabilities, in particular, were targets of 'exceptionally grave discrimination': they were not allowed at/were expelled from kindergartens/schools, occasionally because parents of the majority mobilised to protest against their inclusion.¹⁸⁷

In 2022, UNICEF published a national survey of attitudes and social norms towards children with disabilities and developmental difficulties in Bulgaria.¹⁸⁸ The survey revealed deeply rooted attitudes of non-acceptance and isolation, even where children with disabilities are formally admitted in the mainstream schools. 45.3 % of parents of children without disabilities fully agreed and 36.6 % partially agreed (81.9 % of the total) that children with physical disabilities need special educational institutions (e.g. special schools or centres). 49.7 % fully agreed and 30.5 % partially agreed (80.2 % of the total) with that statement as regards children with intellectual disabilities.

The prevailing opinion among parents of children without disabilities was that attitudes towards children with physical disabilities and intellectual difficulties aged three to six years are not the same as attitudes towards their peers. Respondents expressed a belief that at kindergarten, those children are often excluded or restricted in their overall development and inclusion due to their disability/difficulty.

¹⁷⁷ Pre-School and School Education Act (PSEA) (*Закон за предучилищното и училищното образование*), adopted 13 October 2015, entered into force on 1 August 2016, last amended August 2025, Article 7(1-2).

¹⁷⁸ PSEA, Article 3(2.3-4).

¹⁷⁹ PSEA, Article 9(1-3).

¹⁸⁰ PSEA, and secondary legislation – the Ordinance on Integrative Education (*Наредба за приобщаващото образование*), entry into force 27 October 2017, last amended August 2024.

¹⁸¹ PSEA, Article 7(2).

¹⁸² Information shared with media by Christina de Bruin, UNICEF representative for Bulgaria: https://bnr.bg/radiobulgaria/post/101738345/kristina-de-broin-unicef-mnogo-ot-decata-s-uvrejdania-v-bulgaria-namat-dostap-do-obrazovanie?fbclid=IwAR2ilavMmHvYoLbyxfcyBn-Lrj_IVF7wPuZ98RaP1rs9ZW20qEpmHXzBsl.

¹⁸³ Decision of the Ministry of Education and Science for the granting of access to information upon request with ref. no. 18-170/18.11.2025 filed by the National Network for Children.

¹⁸⁴ See: [UNICEF thematic overview](#). See also: [expert opinion](#).

¹⁸⁵ See: [UNICEF thematic overview](#). See also: [expert opinion](#).

¹⁸⁶ Expert [opinion](#).

¹⁸⁷ Expert interview accessible at: <https://bnr.bg/post/101370469/vesela-banova>.

¹⁸⁸ See: [UNICEF National Survey](#).

The experts interviewed said that children with developmental difficulties, even when involved in studies and present in the classroom, are often denied successful inclusion in the group. Typically, they are placed at the back or in the corner of the room; they are accompanied by an adult, be it a parent or another person in the capacity of a personal assistant; and if they are calm and quiet, they remain almost unnoticed.

Under the legislation, children with sensory (hearing or sight) impairments are channelled into special schools for their category.¹⁸⁹ Children with other disabilities are entitled to enrol in general kindergartens and schools,¹⁹⁰ and may not be segregated into separate classes or groups.¹⁹¹ However, they may be referred, on parental application, to separate special schools (centres for special educational support) or to special groups based on an assessment of their special needs.¹⁹² Under the law, this may be done 'as an exception, when educational objectives cannot be achieved through another form of support'.¹⁹³ Under the law, there are no procedural guarantees for informed parental choice in terms of making an application for referring a child to a special school.

No public data are available on the numbers of children segregated in special schools, excluded from any schooling or integrated into schools and kindergartens.

In 2022, the SAC repealed a decision by the Sofia City Administrative Court and awarded non-pecuniary damages to a child with disabilities, incurred as a result of violations of Article 10, Article 11 and Article 4(3) of the PADA, namely discrimination on the grounds of disability in the context of a programme for free of charge use of a social service called 'Assistant for Independent Childhood'.¹⁹⁴ The child obtained a decision by the PADC finding indirect discrimination and brought court proceedings, being awarded non-pecuniary damages to the amount of BGN 4 000 (EUR 2 000).

a) Trends and patterns regarding Roma pupils

In Bulgaria, there are specific societal patterns in education regarding Roma pupils, such as segregation. The majority of Roma predominantly live in segregated areas in severely substandard conditions and Roma children predominantly study in schools located in such areas. These schools are mainly Roma, i.e. segregated, and are seriously substandard. According to the 2014 annual report of the European Union Agency for Fundamental Rights (FRA), more than 25 % of Roma pupils attended de facto segregated school classes.

According to the European Commission's Education and Training Monitor 2025 Comparative Report,¹⁹⁵ the inequality in Bulgaria is strongly linked to school segregation. According to the Education and Training Monitor 2023 in Bulgaria,¹⁹⁶ segregation in education remains a challenge and a main obstacle to access to quality education. In 2022, the share of Roma children aged from seven to 15 who attended formal education was 86.2 %, as against 94.6 % of the total population (Fundamental Rights Agency, 2022). Only 28 % of Roma students aged 20-24 completed upper secondary education, while for the Bulgarian population as a whole, this figure was 83.6 %. Almost two thirds of Roma children aged from six to 14 attended a school or kindergarten where all or most of their schoolmates were Roma. Three quarters of Roma children under 18 were at risk of poverty (Fundamental Rights Agency, 2022). The Organisation for Economic Co-operation and

¹⁸⁹ PSEA, Article 44(1.1).

¹⁹⁰ PSEA, Article 192(1).

¹⁹¹ PSEA, Article 99(5).

¹⁹² PSEA, Article 145(5) and Article 194(1).

¹⁹³ PSEA, Article 194(1).

¹⁹⁴ SAC, Decision No. 5409 of 6 June 2022 in Case No. 10249/2021.

¹⁹⁵ See European Commission (2025), *Education and training monitor 2025 Comparative Report*, available at: <https://op.europa.eu/en/publication-detail/-/publication/30c1ccaa-bfdd-11f0-a612-01aa75ed71a1/language-en>.

¹⁹⁶ See European Commission (2023), *Education and training monitor 2023: Bulgaria*, available at: <https://op.europa.eu/webpub/eac/education-and-training-monitor-2023/en/country-reports/bulgaria.html#2-early-childhood-education>.

Development (OECD) Programme for International Student Assessment (PISA) shows that students with similar socio-economic status and performance levels tend to be concentrated in the same schools. A survey¹⁹⁷ by the EU's Fundamental Rights Agency reported that educational segregation is getting worse in general schools in particular. Parents are withdrawing their children from schools where Roma children are concentrated, and desegregation programmes are limited in scope. Authorities do not collect information about the ethnic origin of students. However, schools do gather information about the parents' educational status; this information helps to identify vulnerable groups that are eligible for additional funding from the state.

According to a 2020 nationally representative sociological study of the education of Roma carried out by an NGO, Trust for Social Achievement,¹⁹⁸ the number of Roma children in segregated schooling was growing alarmingly: having stood at 31 % in 2011, the share of Roma children studying in exclusively Roma schools had reached 47 % in 2020.¹⁹⁹

According to the Ministry of Education and Science,²⁰⁰ the number of children returning to the educational system after having dropped out in 2025 was 14 328. The number of children of preschool and school age who dropped out of the school system was 2 692.

Other patterns of educational exclusion/segregation of Roma include:

1. Children at home or in the street with no access to school at all, as 'Roma children are less likely to attend kindergarten and much more likely to drop out of school'.²⁰¹ According to the FRA, Roma face three major interrelated education issues: low preschool attendance (68 % of Roma children in Bulgaria attend early childhood education, compared to 58 % in 2016 (EU total: 53 % and compared to 89 % of Bulgarian children in general));²⁰² a high risk of segregated schooling (70 % of Roma children in Bulgaria attend a school where all or most pupils are Roma, compared to 58 % in 2016 (EU total: 46 %));²⁰³ and high drop-out rates before completing secondary education (42 % of young Roma in Bulgaria have completed at least upper-secondary education, compared to 28 % in 2016 (EU total: 32 %)). This compares to 90 % of the general Bulgarian population).²⁰⁴
2. Children in special schools for students with 'special educational needs'²⁰⁵ (under the law, 'centres for special educational support', or 'special groups', or 'field' (*изнесени*) classes/groups in social services in the community) (over-representation).²⁰⁶

¹⁹⁷ Fundamental Rights Agency (2014), *Roma survey – Data in focus: Education: the situation of Roma in 11 EU Member States*, available at: http://fra.europa.eu/sites/default/files/fra-2014_romasurvey_education_tk0113748enc.pdf.

¹⁹⁸ Details available at: <http://socialachievement.org/en/>.

¹⁹⁹ See media reports at: <https://www.24chasa.bg/novini/article/9423115>.

²⁰⁰ Decision of the Ministry of Education and Science for the granting of access to information upon request with ref. No. 18-170/18.11.2025 filed by the National Network for Children.

²⁰¹ European Commission (2019), *Education and Training Monitor 2019: Bulgaria*, p. 9, available at: https://ec.europa.eu/education/sites/education/files/document-library-docs/et-monitor-report-2019-bulgaria_en.pdf.

²⁰² Fundamental Rights Agency (2025), *Roma Survey - Country Data – Bulgaria*, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-country_data-roma_survey-bulgaria_0.pdf.

²⁰³ Fundamental Rights Agency (2025), *Roma Survey - Country Data – Bulgaria*, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-country_data-roma_survey-bulgaria_0.pdf.

²⁰⁴ Fundamental Rights Agency (2025), *Roma Survey - Country Data – Bulgaria*, available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-country_data-roma_survey-bulgaria_0.pdf.

²⁰⁵ Under the law, 'special educational needs' are defined as a child's or a student's educational needs 'that might arise in Cases of sensory disabilities, physical disabilities, multiple disabilities, intellectual impediments, language and speech impairments, specific learning ability impairments, autistic spectrum disorders, emotional and behavioural disorders' (PSEA, Additional Provisions, paragraph 1(31)).

²⁰⁶ Among numerous authorities, see Fundamental Rights Agency (2014), *Roma survey – Data in focus: Education: the situation of Roma in 11 EU Member States*, available at: http://fra.europa.eu/sites/default/files/fra-2014_roma-survey_education_tk0113748enc.pdf.

²⁰⁶ The FXB Centre for Health and Human Rights at Harvard University (2015), *Strategies and Tactics to Combat Segregation of Roma Children in Schools: Case studies from Romania, Croatia, Hungary, Czech Republic, Bulgaria, and Greece*, p. 191, available at: <http://www.dare-net.eu/cms/upload/file/strategies-and-tactics-to-combat-segregation-Case-studies-english.pdf>.

3. Children in schools for juvenile delinquents (disproportionate representation). One report noted in 2004 that 'Children and students belonging to the Roma minority are overrepresented in two types of special schools: the schools for children with developmental deficiencies and the schools for juvenile delinquents.'²⁰⁷

The PADA bans racial segregation as a form of discrimination²⁰⁸. However, it defines it in a way that is not compatible with European law because the definition explicitly requires the state of separation to be 'compelled'.²⁰⁹ It thus implies that segregation may be chosen, i.e. that segregated people may waive their right not to be discriminated against, including not to be segregated on racial grounds. However, the European Court of Human Rights has consistently held in Roma segregation cases that no waiver of the right to non-discrimination in this context is possible.²¹⁰

In a landmark case, the SCC effectively confirmed (by not admitting to cassation review) a decision by the Pazardzhik Regional Court (PRC) in a Roma segregation case.²¹¹ The PRC had held that the element of 'compelled separation' in the PADA legal definition was to be construed in line with the ECtHR's case law, to the effect that separation is 'compelled' when it 'does not result from an individual's freely formed will, provided that all the prerequisites to form free will are present'. The Court held that 'the qualification "compelled separation" is not to be taken formally, as a mere absence of compulsion in the strict sense of the word, but instead as clarified by the ECtHR.'²¹² The PRC had, in turn, confirmed the first instance court's decision, which had contained the same interpretation of racial segregation.²¹³ The SCC agreed, reproducing the interpretation verbatim.

According to the Pre-School and School Education Act, kindergartens and schools may not segregate children of 'a different' ethnicity in separate groups or classes (since 1 August 2016).²¹⁴ However, there is no ban under that Act on segregating children in separate kindergartens or schools.

In a few cases brought to court to challenge all-Roma schools,²¹⁵ the notion of 'compelled' in the PADA definition of segregation has proved an obstacle to effective protection. In one case, the appeals court explicitly confirmed that there was separation on ethnic grounds but found that it was not 'compelled' because it was 'not a consequence of factors outside of the students' will and did not occur against their will – it did not result from legislation or an administrative decision'.²¹⁶ However, the court found that the students suffered indirect discrimination because the school curricula and processes did not take account of their ethnic and linguistic differences. In two other cases, the interpretation of 'compelled'

²⁰⁷ RAXEN_CC National Focal Point Bulgaria (2004), *Analytical Report PHARE RAXEN_CC Minority Education*, available at: https://fra.europa.eu/sites/default/files/fra_uploads/272-edu-bulgaria-final.pdf, p. 11.

²⁰⁸ PADA, Article 5.

²⁰⁹ PADA, Additional Provision, paragraph 1(6).

²¹⁰ For instance, *D.H. v. Czech Republic*, No. 57325/00, 13 November 2007; *Sampanis v. Greece*, No. 32526/05, 5 June 2008; *Oršuš v. Croatia* [GC], No. 15766/03, 16 March 2010.

²¹¹ SCC, Ruling No. 80 of 14 February 2020 in Case No. 3932/2019.

²¹² Pazardzhik Regional Court, Decision No. 233 of 25 June 2019 in Case No. 315/2019.

²¹³ This judicial articulation is not necessarily representative of the level of reasoning of the domestic courts on the legal concept of segregation. The wording was derived verbatim from the *actio popularis* claim concerning a practice of racial segregation in the hospital's maternity wards, consisting of separating Roma women in rooms where no Bulgarian majority women would be placed. Both the first-instance and appeals courts found, on the evidence, that the respondent had succeeded in rebutting any presumption of discrimination raised by the claimants. In particular, the hospital had engaged, *inter alia*, witnesses who testified that they had given birth in the hospital on more than one occasion and had shared rooms with Roma women.

²¹⁴ PSEA, Article 62(4) and Article 99(4) and (6).

²¹⁵ In one case, segregation of *Turkish* children in separate classes was also successfully challenged before the equality authority (PADC, Decision No. 91 of 8 November 2007 in Case No. 28/2007).

²¹⁶ Sofia City Court (SCtC), Decision of 27 February 2007, Civil Case No. 3139 of 2005. The Supreme Court of Cassation, the final-instance court, confirmed this decision in its Decision No. 723 of 1 August 2008, Civil Case No. 6402 of 2007.

led to a barrier to the granting of any protection.²¹⁷ In a case concerning the disproportionate representation of Roma children in special schools, the equality body instructed the Minister of Education to take measures to stop the admission of 'healthy' children to special schools.²¹⁸ The aforementioned case law shows that the 'compelled' nature of racial segregation prevents the effective protection against that form of discrimination.

According to the authorities, the situation has improved. A strategic document, the Strategic Framework for the Development of Education, Training and Learning in the Republic of Bulgaria (2021-2030),²¹⁹ adopted on 24 February 2021 by a decision of the Council of Ministers, sets out the following. Successes have been achieved in increasing the coverage of children and students from vulnerable groups, including Roma, in pre-school and school education, increasing their participation in secondary and higher education. Measures to promote and implement the process of educational desegregation have been implemented and, together with measures to build tolerance and intercultural dialogue skills, have had a positive impact on ensuring equal access to quality education for all children and pupils. No specific data and source are provided. The Strategic Framework envisages measures to be implemented to expand opportunities for the effective inclusion of children/students with special educational needs; vulnerable groups including Roma; those seeking or granted international protection; and migrants. Cooperation between pre-school and school education institutions with state and local authorities in the social and health spheres, with educational mediators and with parents and local communities will be strengthened. An inclusive, supportive, safe and secure educational environment will be provided for effective learning, for the protection and promotion of the health of children and pupils and for their full personal development.

The framework sets out various measures for the educational integration of children from vulnerable groups, including Roma. These include the promotion of school desegregation and formation of a supportive community environment, inter-school activities, the creation of partnerships with local communities and the civil sector, additional work with students and parents and promotion of parental involvement in the educational process in a multicultural environment. Other measures include comprehensive support for access to education for children and students from small settlements (nutrition, transport, textbooks); implementation of policies for tolerance and respect for cultural differences and effective intercultural interaction to overcome negative societal attitudes based on ethnicity and cultural identity. Finally, there are measures to provide support to increase the enrolment in secondary and higher education of members of vulnerable groups, including Roma. Specific results and/or measures adopted in achieving the stated aims are yet to be shown.

A number of statements by NGOs regarding this strategic document have been submitted.²²⁰ They reflect a generally positive attitude towards the Strategic Framework,

²¹⁷ Blagoevgrad Regional Court, Decision No. 139 of 1 December 2005 in Case No. 1154/2004; Sofia Regional Court, Decision of 16 December 2005 in Case No. 871/2005 (both confirming negative trial court rulings on appeal). The first case was brought by Roma students studying in exclusively or predominantly Roma classes in school. The courts in effect found that the authorities had done nothing to create this situation and could do nothing about it because the right to choice of school (of non-Roma parents/students) was absolute and could not be interfered with. The second case was brought by the European Roma Rights Centre alleging that an all-Roma school was segregated (as well as substandard and ill-adapted to deal with the students' language differences). The courts found that the authorities did not 'force' any of the students to study in that particular school, therefore, there was no segregation or any other breach of equality law.

²¹⁸ PADC, Decision No. 80 of 16 October 2007.

²¹⁹ Strategic Framework for the Development of Education, Training and Learning in the Republic of Bulgaria (2021-2030), available (in Bulgarian) at: <https://web.mon.bg/bg/143>.

²²⁰ See, *inter alia*, the statements of the Amalipe Foundation, available (in Bulgarian) at: <https://amalipe.bg/strategicheska-ramka-obrazovanie/>; of Association 'Education Bulgaria 2030', available (in Bulgarian) at: https://edu2030.bg/2021/01/06/stanovishte_strategy-2021-2030/; and of the Trust for Social Achievement, available (in Bulgarian) at: <https://socialachievement.org/bg/kakvo-pravim/novini/otnosno-stanovishte-i-preporaki-na-fondacija-tryst-za-socialna-alternativa-po-proekt-na->

although one of the organisations stated that the document did not contain established terms such as 'educational integration of children and pupils from ethnic minorities', despite these concepts being introduced and used in various strategic documents, including policies of the state in the field of education.

In 2025 the European Union Agency for Fundamental Rights published its 2024 Roma Survey,²²¹ according to which the participation of Roma children in education has improved, but educational inequalities remain substantial. Roma students are significantly less likely to complete upper secondary education than the general population. School segregation continues to be widespread, with many Roma children attending schools where most pupils are also Roma.

In a landmark case, the SAC found racial segregation of Roma school students, upholding a PADC decision and the lower court's ruling to the same effect.²²² A school headmistress had posted on the school's Facebook page that Roma children would not be enrolled. She had attempted to justify this as prevention of 'secondary segregation' (white flight) as allegedly, parents had expressed a wish for their children not to study together with Roma children. The PADC had held that, while the headmistress, in practice, had not refused to enrol any Roma child, her public message on behalf of the school constituted a violation per se, indicating a discriminatory policy and discouraging Roma applicants. The lower court and the SAC agreed that the discriminatory statement was sufficient in itself and could not be justified by the purported aim, referring to *Firma Feryn*. Both harassment and segregation were established.

3.2.8 Access to and supply of goods and services that are available to the public (Article 3(1)(h) Directive 2000/43)

In Bulgaria, national legislation prohibits discrimination in access to and the supply of goods and services, as formulated in the Racial Equality Directive.²²³ This is ensured by both the general, all-encompassing ban on discrimination and by the specific provision of Article 37 prohibiting any refusal to provide goods or services, as well as any provision of goods and services of lesser quality or under worse conditions. All five grounds are covered. Gender identity/expression or sex characteristics are not covered in national legislation.

Under the legislation, a failure to adapt goods or a service to meet the needs of a person with a disability is not a separate form of discrimination. It could, however, fall under direct or indirect discrimination.

It is not clear whether existing disability discrimination bans would be interpreted in court as an obligation to provide (design/manufacture) goods that are usable by persons with disabilities.

In 2023, the SAC upheld the findings of the SCAC and PADC that the placement of a sign saying 'NO GYPSIES, ROMA AND OTHER SCUM ALLOWED HERE' in a entertainment venue owned by a private company constituted discrimination in the form of incitement to discriminate and racial segregation by means of a single act.²²⁴ In that case, a qualification of harassment was neither alleged nor examined *ex officio* by the PADC and the courts.

[strategicheska-ramka-za-razvitie-na-obrazovaniето-obuchenieto-i-ucheneto-v-republika-bylgarija-2021-2030/286/](#)).

²²¹ European Union Agency for Fundamental Rights, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2025-roma-survey-2024_en.pdf.

²²² SAC, Decision No. 6066 of 19 May 2021 in Case No. 8633/ 2020.

²²³ PADA, Article 6(1) and Article 37.

²²⁴ SAC, Decision No. 1960 of 22 February 2023 in Case No. 6495/2022.

a) Distinction between goods and services available publicly or privately

In Bulgaria, national law does not distinguish between goods and services available to the public (e.g. in shops, restaurants and banks) and those only available privately (e.g. those restricted to members of a private association).²²⁵

3.2.9 Housing (Article 3(1)(h) Directive 2000/43)

In Bulgaria, national legislation prohibits discrimination in the area of housing as formulated in the Racial Equality Directive.²²⁶ The provision is general, implicitly including housing. It covers all five grounds. Gender identity/expression or sex characteristics are not covered in national legislation.

In practice, refugees and migrants with irregular status face a variety of obstacles in finding and maintaining secure housing for themselves and their families. If a foreigner lacks identity and residence documents, they cannot work legally in order to provide for their basic needs, including housing. In addition, if the person does not have legitimate identification documents, Bulgarian landlords are far less likely to conclude an official rental agreement with them.²²⁷

a) Trends and patterns regarding housing segregation for Roma

In Bulgaria, there are patterns of housing segregation of the Roma. The majority of Roma live in segregated areas ('ghettos'). As segregation in general does not relate simply to legal issues, but can also be a de facto situation, the separation of Roma housing from the rest of the population constitutes segregation and, as such, a breach of fundamental rights.

As an inextricably linked – as opposed to separate – issue, the Roma in the segregated areas mentioned above have dire living conditions, including severely substandard housing, some of it ramshackle, with very limited access to basic infrastructure, security of tenure or essential services such as public transport, emergency medical aid, waste collection, policing and, for some, even electricity and running water supplies. In many places, local authorities have for decades ignored Roma housing and infrastructure problems, investing nothing in the development of Roma residential areas. The authorities in many places have consistently refused to include Roma residential areas in urban planning and to regulate them. Forced evictions and the lack of social protection for the people rendered homeless by them have further compounded this situation.

This deprivation of basic public services and security of tenure cannot be factually or conceptually extricated from the segregation of Roma areas. It would amount to a serious misunderstanding to believe that racialised collective forced evictions and (extreme) poverty are 'clearly distinguishable' and 'not to be mixed' with Roma racial segregation. It is because Roma areas are segregated that their residents can be, and are, kept in inhuman/degrading housing conditions and subjected to collective forced evictions that would not be conceivable with regard to any other ethnic group, and certainly not to the majority population.

The 2012 ECtHR decision against Bulgaria in *Yordanova and Others v. Bulgaria* (collective forced eviction threatening Romani community)²²⁸ has not been implemented: no legislative amendments have been undertaken to place relevant authorities under a duty to consider, when making decisions about forced evictions, the individual circumstances of

²²⁵ PADA, Article 6(1) and Article 37.

²²⁶ PADA, Article 6(1).

²²⁷ See Center for Legal Aid – Voice in Bulgaria (2022), *Final report: Applying engagement-based alternatives to detention and decreasing irregularity in the migration system* (update), available at: <https://centerforlegalaid.com/wp-content/uploads/2024/02/Doklad-ATD-EPIM-April22-En-1.pdf>.

²²⁸ *Yordanova and others v. Bulgaria*, No. 25446/06, 24 April 2012.

the people affected, including their special vulnerabilities, as well as the authorities' own failures to deal with the situation sooner, and to provide alternative accommodation where warranted so as not to reduce dependent people to homelessness.²²⁹ With regard to the general measures, the Committee of Ministers expressed its deep concern about the lack of progress with the preparation of legislative amendments to respond to the indications of the European Court under Article 46 of the Convention and to the Committee of Ministers' Interim Resolution CM/ResDH(2020)357. The Committee also noted that judicial practice still appears insufficient to create a clear legal framework for proportionality assessment by the administration. The Committee of Ministers of the Council of Europe, during its 1514th CM-DH meeting (3-5 December 2024) and 1545th meeting, 2-4 December 2025 (DH), examined the execution of group of cases concerning interferences with the applicants' right to respect for their home or their private and family life as a result of eviction or demolition orders issued and reviewed under a domestic legal framework that did not require any proportionality assessment.²³⁰

Bulgaria's failure to execute the landmark *Yordanova and Others* judgment over the course of more than a decade is an issue of compliance with Directive 2000/43 in so far as a right to be protected from arbitrary race-based deprivation of one's long-standing only family home threatening infants, children and other vulnerable individuals with dire consequences, such as homelessness and the implied risks to personal integrity, basic utilities, access to healthcare and education and other vital services, is a matter of housing equality within the meaning of Article 2.2(a) and (b) in conjunction with Article 3.1(h) of the directive.

In October 2022, the European Court of Human Rights delivered its judgment in *Paketova and others v. Bulgaria*.²³¹ The ECtHR found that there had been a violation of the prohibition of discrimination pursuant to Article 14, in conjunction with Article 8 of the ECHR, as a result of the authority's omissions resulting in ethnic Roma being driven away from their homes after anti-Roma protests and not being able to return. The 51 applicants were members of several Roma families. In January 2019, in their village, public protests began against the Roma inhabitants, following an incident earlier that day in which two members of the Roma community seriously injured a non-Roma member. After the village mayor told the Roma inhabitants to leave for their own safety, most of them fled that night and the rest on the following day. The protests continued in the following two weeks. The ECtHR held that the applicants' houses in the village, where they had been living before fleeing, constituted their 'homes' within the meaning of Article 8. The applicants' 'private and family life' was also affected, as their inability to live in their homes could have had repercussions on their community and family ties. Protestors had called Roma 'carriers' and 'pikeys' and had paraded the slogan 'This is Bulgaria, not Gypsyland', while some of those interviewed by the media had openly urged the Bulgarian population to unite and take things into their own hands if the authorities failed to do so. Many of the protests had been broadcast on television.

²²⁹ See ECtHR, 'Country Factsheet: Bulgaria', available at: https://www.echr.coe.int/documents/604084/839313/CP_Bulgaria_ENG.pdf/ccc12de7-9911-cfd6-4bb1-c0866d3822ec?version=12.0&t=1786706413286&download=true.

²³⁰ See: <https://hudoc.echr.coe.int/fre?i=001-224074>.

²³¹ *Paketova and others v. Bulgaria*, Nos. 17808/19 and 36972/19, 4 January 2023.

4 EXCEPTIONS

4.1 Genuine and determining occupational requirements (Article 4 Directive 2000/43, Article 4(1) Directive 2000/78)

In Bulgaria, national legislation provides for an exception for genuine and determining occupational requirements.²³² It is valid for all grounds. The wording is: 'The following shall not constitute discrimination: ...different treatment of persons based on a characteristic related to [protected] grounds... where, by reason of the nature of a particular occupation or activity, or of the conditions it is carried out in, such a characteristic constitutes an essential and determining occupational requirement, the aim is legitimate and the requirement does not exceed what is necessary to accomplish it....'

In 2019, in a case brought under the PADA by a blind person against a court chairperson and a judge for not appointing her to work as a juror in criminal cases, the SAC ruled *ex officio* to make a reference for a preliminary ruling to the CJEU.²³³ The facts are as follows: after the impugned denials of appointment, the electronic random assignment of cases was introduced, following which the complainant was able to serve as a juror. This was one of her arguments in the domestic proceedings: experience had shown that she was capable of serving despite her disability. The respondent judges' defence was that the principles of immediacy (of evidence appraisal), of establishing the objective truth and of decision-makers' inner conviction in criminal trials implied that having sight was a genuine and determining occupational requirement for a juror. The PADC had ruled in the complainant's favour, finding that there was direct discrimination on the grounds of disability. On appeal, the lower court had confirmed the PADC's decision. The court had taken into account the fact that the complainant had been able to serve as a juror after having been randomly assigned once that was made possible, which meant that she could perform the job regardless of her disability.

The SAC's question to the CJEU was: are the rules in Article 5(2) of the CRPD and in Articles 1(1-3) and 4(1) of Directive 2000/78/EC to be interpreted as allowing a blind person to participate in criminal trials as a juror, or is non-blindness a genuine and determining occupational requirement for a juror, whereby the exclusion of a blind person does not amount to disability discrimination? The case was decided by the CJEU in 2021: Article 2(2)(a) and Article 4(1) of Directive 2000/78, read in the light of Articles 21 and 26 of the Charter of Fundamental Rights and of the CRPD, must be interpreted as meaning that they preclude that a blind person be totally deprived of any possibility of performing the duties of a juror in criminal proceedings.²³⁴

Following the CJEU's ruling, in 2022 the SAC remanded the case to the PADC²³⁵ with instructions to gather evidence in order to verify whether the complainant was capable of performing as juror during the period, in which she was denied access to doing so, i.e. from March 2015 to August 2016.²³⁶ The PADC was to collect evidence on whether the cases heard by the respondent judge during this period required any visual assessment of evidence. Those cases are to be compared to cases in which the complainant performed as a juror in the period after August 2016. This evidentiary analysis is to address the issue of the necessity of eyesight in the case. However, following the passing away of the claimant and the waiving of the complaint by her successors, the PADC closed the case.

²³² PADA, Article 7(1.2).

²³³ SAC, Ruling of 25 July 2019 in Case No. 1084/2018.

²³⁴ See Judgment of 21 October 2021, *TC and UB v. Komisia za zashtita ot diskriminatsia and VA*, C-824/19, ECLI:EU:C:2021:862.

²³⁵ Again, it should be noted that the SAC would have hardly been prevented from deciding the case on its merits rather than referring it back to the PADC.

²³⁶ SAC, Decision No. 7115 of 14 July 2022 in Case No. 1084/2018.

4.2 Employers with an ethos based on religion or belief (Article 4(2) Directive 2000/78)

In Bulgaria, national law provides for an exception for employers with an ethos based on religion or belief.²³⁷ The exception is for 'different treatment of persons on grounds of religion, faith or gender with respect to an occupation carried out in religious institutions or organisations where, by reason of the nature of the occupation, or of the conditions it is carried out in, religion, faith or gender constitutes an essential and determining professional requirement in view of the nature of the institution or organisation, where the aim is legitimate and the requirement does not exceed what is necessary to accomplish it...'. There is an inconsistency in wording between the directive and the PADA: rather than 'genuine, legitimate and justified', under the PADA the occupational requirement is 'essential and determining' (mirroring the wording for the GOR). However, that may not be material in practice. The PADA also exempts 'different treatment of persons on grounds of religion/faith... in religious education or training, including training or education for the purposes of carrying out an occupation in a religious-ethos institution'.²³⁸ This means that different treatment based on religion or belief or gender is allowed in access to religious education or training with no proportionality required. There are no recorded instances (and no recorded case law) where this exception has resulted in discrimination on grounds of sexual orientation.

4.3 Armed forces and other specific occupations (Article 3(4) and Recitals 18 and 19 Directive 2000/78)

In Bulgaria, national legislation provides a definition of the 'armed forces'. According to the Defence and Armed Forces of the Republic of Bulgaria Act,²³⁹ the armed forces are military and specialised formations and their groupings, created by the state and organised and operating under a specific structure and order, which possess and employ military and special forms of action in order to fulfil the objectives of national defence. This definition applies when Bulgarian legislation refers to the armed forces.

In Bulgaria, national legislation does not provide for an exception for the armed forces in relation to age or disability discrimination. The PADA makes no such exception.

Yet, the SAC justified an age-based refusal by the commander of the military air force to employ a man as a pilot, relying on the above exemptions under Directive 2000/78, among other exemptions, including the GOR.²⁴⁰

4.4 Nationality discrimination (Article 3(2))

a) Discrimination on the ground of nationality

In Bulgaria, national law includes exceptions relating to difference of treatment based on nationality. In principle, the PADA treats nationality as a protected ground, banning all forms of discrimination based on it in all fields of life.²⁴¹ It makes a significant exception, however, for differential treatment based on nationality provided for under primary legislation.²⁴² Therefore, executive and local government bodies, as well as private parties, are not allowed to treat non-nationals differently based on their nationality, unless Parliament has authorised such treatment by law. Under the PADA, both nationality and a lack of any nationality are included in the concept of nationality as a protected ground.²⁴³

²³⁷ PADA, Article 7(1.3).

²³⁸ PADA, Article 7(1.4).

²³⁹ Article 48.

²⁴⁰ SAC, Decision No. 10131 of 6 October 2021 in Case No. 5640/2021.

²⁴¹ PADA, Article 4(1).

²⁴² PADA, Article 7(1.1).

²⁴³ PADA, Article 7(1.1) expressly exempts legal differences of treatment based on a lack of nationality, as well as nationality.

In Bulgaria, nationality (as in citizenship) is explicitly mentioned as a protected ground in national anti-discrimination law.²⁴⁴

In 2023, relying on *CHEZ*²⁴⁵, the SAC held that the fact that the impugned measure – consisting of having to disable a certain mobile service provided by a telecommunications company by typing 'STOP' in Latin letters, whereas typing the same in Cyrillic would not effectively disable the service – was not based on considerations relating to a protected ground proved that the discrimination was indirect, since the measure in question mainly disadvantages persons who possess Bulgarian nationality as a protected characteristic.²⁴⁶ The SAC corrected the flawed reasoning of the SCAC in a case where the latter had deemed Article 7(1), point 1 of the PADA²⁴⁷ applicable in the context of provisions of a piece of secondary legislation that provided for the possibility for inmates with foreign citizenship to receive food and items from abroad by post, which was not provided for inmates with Bulgarian citizenship. The SAC held that both foreign and Bulgarian citizens could have relatives outside the country who are unable to visit them, thus having to send the permitted items and food by mail from abroad.²⁴⁸

b) Relationship between nationality and 'racial or ethnic origin'

The law does not stipulate any relationship between nationality and race/ethnicity, either in terms of indirect discrimination, or otherwise. No case law has discussed overlaps between nationality and race/ethnic discrimination.²⁴⁹

4.5 Health and safety at work (Article 7(2) Directive 2000/78)

In Bulgaria, there are no exceptions in relation to disability and health and safety as allowed under Article 7(2) of the Employment Equality Directive. There are no such exceptions for other grounds either.

However, according to the Healthy and Safe Working Conditions Act, employers have a duty to assign to their employees only tasks that are compatible with their capabilities,²⁵⁰ considering the specific dangers for employees with reduced work capacity.²⁵¹ Furthermore, there are a number of laws and secondary legislation instruments governing specific fields, such as transport, including aviation, and other risk-intensive occupations, that provide for health requirements for access to employment in these fields. These norms providing for ability-based restrictions without any proportionality requirement are arguably in conflict with the PADA's prohibition of disability discrimination.

²⁴⁴ PADA, Article 4(1).

²⁴⁵ Judgment of 16 July 2015, *CHEZ Razpredelenie Bulgaria AD v. Komisia za zashtita ot diskriminatsia*, C-83/14, EU:C:2015:480.

²⁴⁶ SAC, Decision No. 6218 of 12 June 2023 in Case No. 3550/2022.

²⁴⁷ Which provides that differential treatment of persons on the basis of their nationality or statelessness, where this is provided for by law or in an international treaty to which the Republic of Bulgaria is a party, does not constitute discrimination.

²⁴⁸ SAC, Decision No. 2042 of 23 February 2023 in Case No. 6028/2022.

²⁴⁹ In 2003, when the directives were transposed via the PADA, there were a number of legal provisions differentiating on grounds of nationality. There still are. They have never been reviewed to reveal whether they might be indirectly discriminatory against racial groups.

²⁵⁰ HSWCA, Article 16(1.2a).

²⁵¹ HSWCA, Article 16(1.3).

4.6 Exceptions related to discrimination on the ground of age (Article 6 Directive 2000/78)

4.6.1 Direct discrimination

a) Justification of direct discrimination on grounds of age

In Bulgaria, national law does not allow for specific justifications for direct discrimination on the ground of age.²⁵²

b) Permitted differences of treatment based on age

In Bulgaria, national law only permits differences of treatment based on age for activities within the material scope of Directive 2000/78/EC.²⁵³ Examples include: positive measures, including employment promotion measures; special protection for underage employees/workers; maximum age requirements for access to student loans; age and seniority pension requirements; minimum and maximum age requirements for access to education and training (proportionality test); minimum age, professional experience and seniority requirements for being hired or for certain work-related advantages (proportionality test); maximum age requirements for being hired due to training requirements for the job, or to the need for a reasonable period of employment prior to retirement (proportionality test).

Outside these exceptions, if direct discrimination arises, it cannot be objectively justified. According to the PADA, there are six exceptions for age altogether, three of which refer to other laws providing for age differentiation. The latter do not require proportionality – a (potential) issue.²⁵⁴ For the other three exceptions, the PADA requires proportionality.²⁵⁵

The first exception for age discrimination under the PADA, which is not subject to proportionality, is for pension ages, including occupational pensions.²⁵⁶ The second exception not subject to proportionality is for measures and programmes under the Employment Promotion Act.²⁵⁷ The latter include positive measures based on age. The third exception not subject to a proportionality test is the setting of a maximum age for eligibility for loans under the Students and Doctoral Students Loans Act.²⁵⁸

The exceptions which do provide for objective justification are for: setting requirements for minimum age, professional experience or length of service for recruitment or for access to certain advantages linked to employment;²⁵⁹ setting maximum age requirements for recruitment linked to the training requirements of the post in question or the need for a reasonable period of employment before retirement;²⁶⁰ and setting requirements for minimum and maximum age for access to training or education.²⁶¹ The latter exception may fall within the scope of Directive 2000/78/EC as it implicitly applies to vocational training.

However, since 2016, the SAC has consistently held, in a number of cases, that employees or civil servants dismissed on grounds of having become entitled to an old age and seniority pension were not discriminated against on grounds of age because, under the law, the grounds for their dismissal were not their age but their entitlement to a pension, and their

²⁵² PADA, Article 4(2).

²⁵³ PADA, Article 7(1.5-6, 8-9, 11-12 and 14-15).

²⁵⁴ PADA, Article 7(1.8-9) and (1.12).

²⁵⁵ PADA, Article 7(1.5-6) and (1.11).

²⁵⁶ PADA, Article 7(1.8).

²⁵⁷ PADA, Article 7(1.9).

²⁵⁸ PADA, Article 7(1.12).

²⁵⁹ PADA, Article 7(1.5).

²⁶⁰ PADA, Article 7(1.6).

²⁶¹ PADA, Article 7(1.11).

entitlement to a pension was independent of age, as seniority was taken into account too.²⁶² The Supreme Court of Cassation (final instance in civil cases) (SCC) has produced similar case law. Although it could be argued that this line of case-law goes in contradiction with EU case-law, this has never been challenged.

c) Fixing of ages for admission to occupational pension schemes

In Bulgaria, national law does not allow occupational pension schemes to set ages for admission to the scheme, taking up the possibility provided for by Article 6(2). The PADA does allow age requirements for the purposes of pensions in general, including occupational ones, but these requirements have to be set by law.

Under the Social Security Code, the comprehensive legislation governing pensions, the only factor not allowed to be taken into account as a biometric risk/criterion in actuarial calculations is sex.²⁶³ Accordingly, age is a permissible factor and there are no restrictions on its use apart from the requirement that the underlying statistical data be reliable and up to date.

4.6.2 Special conditions for younger or older workers

In Bulgaria, there are special conditions set by law for older and younger workers in order to promote their vocational integration.

According to the Employment Promotion Act, an employer who creates a new job and hires an unemployed person no older than 29 years (group in a disadvantaged position in the labour market)²⁶⁴ to do it is entitled to public money for reimbursement of that individual's salary for up to 12 months.²⁶⁵ In all cases, recruits must be registered with the Employment Agency as job seekers. Furthermore, special conditions are provided for older workers. An employer who creates a new job and hires unemployed person older than 55 years is entitled to public money for reimbursement of that individual's salary for up to a year.²⁶⁶

4.6.3 Minimum and maximum age requirements

In Bulgaria, there are exceptions permitting minimum and maximum age requirements in relation to access to employment and training. The PADA permits the setting of requirements for minimum age, professional experience or length of service for recruitment or for access to certain advantages linked to employment, provided that it is objectively justified by a legitimate aim and the means to accomplish it do not exceed what is necessary.²⁶⁷ For example, an employer wishing to hire a manager would be entitled to require job applicants to have at least seven years of relevant professional experience. The employer would then be entitled to provide said manager with a company car (not provided to other staff). It further permits the setting of maximum age requirements for recruitment linked to the training requirements of the post in question or the need for a reasonable period of employment before retirement, provided that it is objectively justified by a legitimate aim and the means to accomplish it do not exceed what is necessary.²⁶⁸

²⁶² SAC, Decision No. 611 of 12 July 2016 in Case No. 1541/2016; Decision No. 9699 of 1 November 2022 in Case No. 4540/2022; Decision No. 9927 of 7 November 2022 in Case No. 1415/2022, SAC, Decision No. 8365 of 14 August 2023 in Case No. 9102/2022.

²⁶³ Social Security Code (*Кодекс за социалното осигуряване*), entered into force 1 January 2000, last amended November 2025, Article 169(2) and Article 246(4).

²⁶⁴ Who has to be referred to the employer by the National Employment Agency.

²⁶⁵ Employment Promotion Act (EPA) (*Закон за насърчаване на заетостта*), adopted 20 December 2001, last amended March 2025, Article 36 and additional provisions 1.4a.

²⁶⁶ EPA, Article 36 and additional provisions 1.4a.

²⁶⁷ PADA, Article 7(1.5).

²⁶⁸ PADA, Article 7(1.6).

In a landmark case, the SAC justified an age-based (mixed reasons) refusal by the commander of the military air force to include a man as a pilot, relying on the exemption under 6.1.c of Directive 2000/78, among other exemptions, including the GOR.²⁶⁹ The legitimate aims upheld by the Court included national and public security, and the operational capacity of the force for state defence. The proportionality analysis was scant and relied on the 'particular nature of the functions' of the force and the purportedly ensuing 'exclusive discretion' of its commander. Based on this, the restriction was said to 'not exceed what is necessary' without further reasoning.

4.6.4 Retirement

a) State pension age

In Bulgaria, there is no state pension age at which individuals must begin to collect their state pensions or must retire.

In Bulgaria, there is a state pension age at which individuals may begin to collect their pensions. The ages at which individuals become entitled to receive an old age pension are set by law. Age is not the only criterion for entitlement to such a pension. The number of years of service is taken into account too.²⁷⁰ For example, to be entitled to a retirement pension in 2025, a woman must be 62 years and four months old, and have 36 years and eight months of service.²⁷¹ If she does not have such a length of service, she must have a minimum service of 15 years and be 67 years old.²⁷² The relevant pensionable ages are different for women and men.²⁷³ In 2025, the statutory pension age for men was 64 years and eight months and 39 years and eight months service. There are also differences for certain professions and occupations and for the civil service.²⁷⁴ In the general case, there is no need for an individual to defer receipt of their pension. They can continue their employment while collecting it. If an individual wishes to work beyond the state pension age, the pension can be deferred but it does not need to be deferred. An individual can collect a pension and still work.

b) Occupational pension schemes

In Bulgaria, there is a standard age at which people can begin to receive payments from occupational pension schemes and other employer-funded pension arrangements. Workers, both women and men, become entitled to receipt of occupational pensions at the age of 60.²⁷⁵ As an exception, they can start collecting their occupational pensions five years earlier, provided that this is set in a collective agreement.²⁷⁶ If an individual wishes to work longer, payments from such occupational pension schemes can be deferred, but this is unnecessary. An individual can collect a pension and still work.

²⁶⁹ SAC, Decision No. 10131 of 6 October 2021 in Case No. 5640/2021.

²⁷⁰ Social Security Code, Article 68.

²⁷¹ See: <https://ec.europa.eu/social/main.jsp?catId=1103&intPageId=4437&langId=bq>.

²⁷² See: <https://ec.europa.eu/social/main.jsp?catId=1103&intPageId=4437&langId=bq>.

²⁷³ Social Security Code, Article 68. These ages are to be gradually increased under the legislation until they reach 65 for women and 65 for men. However, age alone is not sufficient. An individual also needs a certain number of years of work experience during which they made social security payments.

²⁷⁴ Social Security Code, Articles 69-69c.

²⁷⁵ Social Security Code, Article 243(4).

²⁷⁶ Social Security Code, Article 243(6).

c) State imposed mandatory retirement ages

In Bulgaria, there are state-imposed mandatory retirement ages, but these are *not* generally applicable. In certain sectors only, such as the professional army,²⁷⁷ academia,²⁷⁸ and the police,²⁷⁹ the relevant special laws or the Labour Code impose age limits after which both women and men can no longer serve. However, there is no bar to them finding other employment and still collecting their pension. The age limits mentioned above are not subject to a proportionality assessment.

Additionally, professors, assistant professors and doctors of science (holders of PhDs) are subject to dismissal, at the employer's discretion, when they reach 65 years.²⁸⁰ They still nominally retain employment rights, but they effectively have no protection against dismissal on age grounds. In the CJEU *Georgiev* case (C-250/09), the Bulgarian Government submitted that this national legislation pursued a social policy aim linked to the training and employment of teaching staff and to the application of a specific labour market policy which takes account of the specific situation of the staff in the discipline concerned, the needs of the university establishment under consideration and the professional abilities of the person covered. The CJEU considered that this statement did not amount to clearly specifying the aim, but concluded that the stated aim may be consistent with the intention of allocating professorial posts in the best possible way between the generations, in particular by appointing young professors. In this sense, the CJEU reasoned, encouragement of recruitment in higher education by means of the offer of posts as professors to younger people may constitute a legitimate aim.

Professors, assistant professors and doctors of science (holders of PhDs) would be exempted (protected) from such an age-based dismissal if the respective academic council has decided to extend their labour contracts for a further year (but no more than three consecutive years for professors and no more than two consecutive years for assistant professors).²⁸¹

d) Retirement ages imposed by employers

In Bulgaria, national law does not permit employers to set retirement ages (or ages at which the termination of an employment contract is possible) by contract and/or collective bargaining and/or unilaterally. Retirement-relevant ages are governed by legislation, namely the Social Security Code (SSC) in the general case (state pension ages within the meaning of section 4.6.4.a) above), or special laws, such as those applicable to the police and armed forces (within the meaning of section 4.6.4.c) above). Neither the SSC retirement-relevant ages, nor those under special laws (police, army) or the Labour Code (academia) constitute mandatory retirement ages. Under the SSC, those ages result in exposing people to possible discretionary dismissal; people will not be necessarily dismissed. Even if they are dismissed, they can seek and find employment elsewhere; they are not forced to retire and no longer work. Under special laws, the ages result in people being dismissed from their service but not forced into retirement; they remain eligible to work elsewhere.

²⁷⁷ Defence and Armed Forces of the Republic of Bulgaria Act (*Закон за отбраната и въоръжените сили на Република България*), in force as of 12 May 2009, last amended November 2025, Article 160(1). For soldiers, the limit is 46 years; that limit is raised for each higher rank, with 62 years as the limit for the highest-ranking officers.

²⁷⁸ Labour Code, 328 (1.10).

²⁷⁹ Ministry of the Interior Act (*Закон за Министерството на вътрешните работи*), entered into force June 2014, last amended November 2025, Article 226(1.1). The limit is 60 years.

²⁸⁰ Labour Code, Article 328(1.10).

²⁸¹ Labour Code, Article 328(1.10).

e) Employment rights applicable to all workers irrespective of age

The law on protection against dismissal and other laws protecting employment rights apply to all workers irrespective of age, even if they remain in employment after attaining pensionable age or any further age. After becoming a pensioner, an employee may choose whether to leave employment. Protection against dismissal and other employment rights apply to employees who choose to stay irrespective of age. This applies to all employees, apart from those in the armed forces and police and some in academia.

However, under the Labour Code, when an individual acquires the right to an old age pension, they are subject to dismissal, at the employer's discretion, on that specific ground – having become entitled to such a pension.²⁸² That is to say, employers may not dismiss pensioners on other (unlawful) grounds, but may do so on this particular ground. This means that, even if people are not required by law to stop working upon becoming entitled to a pension, they are not protected against losing their job on the grounds of becoming entitled to a pension, e.g. according to the case-law this does not constitute age discrimination.²⁸³

Employers may also dismiss a worker who was hired after s/he became entitled to an old age pension and exercised her/his right to claim such a pension.²⁸⁴ In other words, employers can freely dismiss people whom they hired as pensioners, on the grounds of the latter being pensioners. It is also possible for the employer to dismiss: a) an employee who opted to receive a reduced pension a year earlier than the statutory age upon acquiring the requisite number of years of service; and b) such an employee whom the employer hired after s/he had opted for a reduced pension.²⁸⁵

Similarly, civil servants are subject to dismissal on grounds of having become entitled to a pension.

Furthermore, the special laws governing the police and armed forces provide for mandatory retirement of officers at specified ages. In those cases, retirees are free to engage in other employment while collecting their pensions.

In all the cases outlined above, following a dismissal on grounds of pension entitlement, an individual may take up other employment. In practice, many pensioners are employed. They do bear the insecurity implied since it is possible for their (new) employer to dismiss them at their discretion because they are pensioners.

f) Compliance of national law with CJEU case law

In Bulgaria, national legislation is, arguably, in line with CJEU case law on age regarding mandatory retirement, in the light of the broad discretion enjoyed by Member States in their choice not only to pursue a particular aim in the field of social and employment policy, but also in the definition of measures capable of achieving it. As stated above, in all cases, the people concerned can seek alternative employment.

The compatibility with the directive of domestic legislation allowing dismissal on grounds of age/retirement entitlement was scrutinised in joined cases C-250/09 and C-268/09, *Vasil Ivanov Georgiev v. Tehnicheski universitet*. The Court reiterated that a piece of legislation's (underlying) aim of intergenerational balance might be legitimate. Domestic

²⁸² Labour Code, Article 328(1.10).

²⁸³ SAC, Ruling No. 2711 of 25 February 2019 in Case No. 5704/2017; SAC, Decision No. 7272 of 11 June 2020 in Case No. 2647/2020; SAC, Decision No. 10021 of 5 October 2021 in Case No. 6473/2021; SAC, Decision No. 6140 of 20 May 2024 in Case No. 8085/2023.

²⁸⁴ Labour Code, Article 328(1.10b).

²⁸⁵ Labour Code, Article 328(1.10a and 1.10c).

judicial interpretation would be required to establish whether this was, in fact, the aim pursued by the legislation in question.

In *Georgiev*, the Court stressed the relevance of the fact that the legislation is not based solely on a specific age, but takes account of the fact that the individuals concerned are entitled to financial compensation by way of a retirement pension. The Court concluded that the setting of an age limit for the termination of a contract of employment did not exceed what is necessary to achieve employment policy aims, such as intergenerational balance, provided that that national legislation reflects those aims in a consistent and systematic manner (see also *Petersen*).²⁸⁶

While it is true that in *Georgiev*, the relevant age was five years higher than the then general retirement age, which the Court expressly noted, it is also noteworthy that in this case, compulsory retirement was at stake, whereas under the generally applicable legislation, employers have discretion to retain pensioners or not – i.e. there is always a possibility for a pensioner to keep their (precarious) employment indefinitely. Moreover, in the meantime, the general pensionable age for men has been raised; from 2025, it is 64 years and eight months,²⁸⁷ i.e. almost the same as in *Georgiev* (65 years).

As held by the Court in *Georgiev*, interpretation by the national court would be required to ascertain whether such a legislative age limit genuinely reflects a concern to achieve the aims pursued in a consistent and systematic manner, i.e. whether the legislation is rational and constant. As the generally applicable legislation covers everyone, it does not seem to entail (selective) arbitrariness.

In *Georgiev*, the Court held that the legislation was clearly different from that examined in *Mangold*²⁸⁸ and appeared to be capable of being justified as the age in question (as of 2025, the generally applicable age was circa 62 for women and circa 64 for men) was higher than that in *Mangold* (which was 52), and also because the legislation in *Mangold* took the age of the worker as the only criterion, whereas the Bulgarian legislation uses entitlement to retirement as its criterion.

In summary, given the broad discretion that the Court recognises states have in choosing their social and employment policy aims and the means by which to pursue them, judicial interpretation might be required to establish whether this legislation is out of line with the directive.

4.6.5 Redundancy

a) Age and seniority taken into account for redundancy selection

In Bulgaria, national law does not permit age or seniority to be taken into account in selecting workers for redundancy. Under the Labour Code, the only criteria for selection for redundancy are lower qualifications and poorer work performance.²⁸⁹ However, this has limited significance as once an employee becomes entitled to an old age pension, this in itself is a legal basis for an employer to dismiss them, even if there is no redundancy.²⁹⁰ It is the same for people who opted to receive a reduced pension one year earlier than pensionable age upon reaching the requisite number of years of service.²⁹¹ In the case of professors, associate professors and doctors of science (holders of PhDs), once they reach the age of 65, this in itself is a legal basis for an employer to dismiss them, even if there

²⁸⁶ Judgment of 12 January 2010, *Petersen v. Berufungsausschuss für Zahnärzte für Den Bezirk Westfalen-Lippe*, C-341/08, EU:C:2010:4.

²⁸⁷ See: <https://ec.europa.eu/social/main.jsp?catId=1103&intPageId=4437&langId=bg>.

²⁸⁸ Judgment of 22 November 2005, *Mangold v. Helm*, C-144/04, EU:C:2005:709.

²⁸⁹ Labour Code, Article 329(1).

²⁹⁰ Labour Code, Article 328(10).

²⁹¹ Labour Code, Article 328(10a).

is no redundancy (with limited exceptions based on decisions by the respective academic councils).²⁹²

b) Age taken into account for redundancy compensation

In Bulgaria, national law provides for compensation for redundancy. Such compensation is affected by the age of the worker. Workers who are dismissed after having become entitled to retire, on any basis, implicitly including redundancy, are entitled to compensation equivalent to the amount of two monthly salaries.²⁹³ This is preferential treatment compared to workers who are made redundant prior to becoming entitled to a pension – they are entitled to no more than one salary in compensation.²⁹⁴ If workers dismissed after having become entitled to retire have worked with the employer for the last ten years, their compensation is equivalent to the amount of six monthly salaries.

4.7 Further exceptions necessary in a democratic society: Public security, public order, criminal offences, protection of health, protection of the rights and freedoms of others (Article 2(5), Directive 2000/78)

In Bulgaria, national law does not include exceptions that seek to rely on Article 2(5) of the Employment Equality Directive (public security, public order, criminal offences, protection of health, protection of the rights and freedoms of others). The PADA provides for no such exception.

4.8 Any other exceptions

In Bulgaria, another exception to the prohibition of discrimination (on any ground covered by this report) provided in national law is the following:

- different treatment of persons on grounds of religion/faith in religious education or training, including training or education for the purposes of carrying out an occupation in a religious-ethos institution.²⁹⁵

²⁹² Labour Code, Article 328(10).

²⁹³ Labour Code, Article 222(3).

²⁹⁴ Labour Code, Article 222(1).

²⁹⁵ PADA, Article 7(1.4).

5 POSITIVE ACTION (Article 5 Directive 2000/43, Article 7 Directive 2000/78)

a) Scope for positive action measures

In Bulgaria, positive action is permitted in national law in respect of racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Several specific authorisations for positive action exist:

- different treatment of persons with disabilities in training or education aimed at equalising their opportunities;²⁹⁶
- special measures for the benefit of disadvantaged people or groups aimed at equalising their opportunities, as far as and as long as such measures are necessary;²⁹⁷
- special protection measures provided for by law for the benefit of parentless children, minors, single parents²⁹⁸ and persons with disabilities;²⁹⁹
- measures aimed at protecting the distinctive identity of people belonging to ethnic, religious and linguistic minorities and their rights, alone or with other members of their groups, to preserve and develop their culture, to profess and exercise their religion and to use their language;³⁰⁰
- measures in training or education aimed at guaranteeing the participation of people belonging to ethnic minorities, as far as and as long as such measures are necessary.³⁰¹

The PADA not only permits but mandates, in a general way, positive measures to equalise opportunities for disadvantaged groups. Under Article 10 of the PADA, state and local government authorities, when carrying out their powers, are under a duty to take all measures necessary for the attainment of the aims of the PADA. The PADA places a general duty on all authorities to take measures to equalise opportunities for disadvantaged groups,³⁰² as well as to guarantee participation by ethnic minorities in education, whenever necessary to accomplish the objectives of equality law.³⁰³ Under Article 11, the PADA requires authorities to take such measures as a priority for the benefit of victims of multiple discrimination.³⁰⁴ However, no such measures are on record.

Under the PADA, employers are under a duty to promote job applications from less-represented ethnic groups where necessary to achieve the aims of the PADA.³⁰⁵ Furthermore, when other conditions are equal, employers are under a duty to promote the career development and participation of employees from less-represented ethnic groups.³⁰⁶

There are a number of positive policy measures in place for the benefit of ethnic groups, in particular, Roma.

²⁹⁶ PADA, Article 7(1.10).

²⁹⁷ PADA, Article 7(1.14).

²⁹⁸ It would depend on judicial construction as to whether a same-sex couple where only one of the parties is recognised as a legal parent would count as a single parent for the purposes of special protection.

²⁹⁹ PADA, Article 7(1.15).

³⁰⁰ PADA, Article 7(1.16).

³⁰¹ PADA, Article 7(1.17). The law does not specify the measures allowed. Any measure falling into this category is accepted.

³⁰² As of 2024, there are no examples of where measures have been taken to equalise opportunities for LGBTIQ+ individuals, among other vulnerable groups.

³⁰³ PADA, Article 11(1).

³⁰⁴ PADA, Article 11(2).

³⁰⁵ PADA, Article 24(1).

³⁰⁶ PADA, Article 24(2).

The case law has been ambivalent with respect to them. In one case, the SAC confirmed a decision by the SCAC, which had repealed a decision by the PADC, which in turn had upheld positive measures for Roma students.³⁰⁷

This judgment is not in line with Directive 2000/43/EC, as it overlooks the fact of disproportionate Roma exclusion and marginalisation in schooling, among other relevant facts, such as overwhelming Roma poverty and social disadvantage, not comparable to the economic and educational opportunities generally enjoyed by majority families and children. In particular, the SCAC's decision does not take into consideration Article 5 of Directive 2000/43/EC, which clarifies that the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin. In contravention of Article 5 of the Directive, the SCAC used the principle of equal treatment as a reason to invalidate positive action. The SCAC did not, in its reasoning, refer to the limitations to positive action drawn up by the CJEU in its judgment in Case C-193/17 of 22 January 2019 (the *Cresco* judgment). It did not discuss the ICERD provision on positive action measures.

This is, as yet, an isolated case, with no similar legal attacks on positive action on record.

In another case, the SAC upheld the positive duties of public authorities under Articles 10 and 11 of the PADA – to take all measures necessary to pursue the equality aims of the legislation – in a health rights/disability case, in which the respondent public body had denied a child with an oncological condition a financial opportunity to receive treatment in another country.³⁰⁸

In another disability rights case heard under Articles 10 and 11 of the PADA, the SAC upheld the lower court's decision, which in turn had confirmed the PADC's decision.³⁰⁹ The PADC had found that the Capital Municipal Council (the Sofia City local government) had failed to implement a provision of a piece of secondary legislation adopted by the Council itself, which provided for independent living assistance to children with disabilities – the Council had failed to budget sufficient funds, which had resulted in the practical impossibility of providing the services in question to all children meeting the requirements under the relevant provision; a number of children were instead placed on 'waiting lists'.

In 2025, the SAC continued the line of case law following the judgment in *Milkova* and interpreted the Labour Code system of advance protection against dismissal of employees with disabilities (prior authorisation by the Labour Inspectorate in cases of recognised illnesses included in a list provided for under secondary legislation) as a positive measure to compensate for inequality, which should benefit the entire vulnerable category of persons with disabilities.³¹⁰ The SAC held that the complainant in the case should benefit from such advance protection, regardless of the Civil Servant Act, which provides for no such entitlement for civil servants. The SAC held that the complainant, who had not benefited from such protection, was therefore unlawfully dismissed.³¹¹

b) Quotas in employment for persons with disabilities

In Bulgaria, national law provides for two different quotas for the employment of persons with disabilities, under the Labour Code and the Persons with Disabilities Act.

³⁰⁷ SAC, Decision No. 458 of 13 January 2020 in Case No. 5375/2019; SCAC, Decision No. 7471 of 10 December 2018 in Case No. 9628/2018.

³⁰⁸ SAC, Decision No. 11441 of 3 September 2020 in Case No. 12748/2019.

³⁰⁹ SAC, Decision No. 155 of 7 January 2020 in Case No. 13509/2018.

³¹⁰ SAC, Decision No. 3490 of 2 April 2025 in Case No. 1116/2025.

³¹¹ SAC, Decision No. 8592 of 15 September 2023 in Case No. 500/2023.; Decision No. 5760 of 14 June 2022 in Case No. 1959/2022; Decision No. 11176 of 6 December 2022 in Case No. 5807/2022; Decision No. 10238 of 14 November 2022 in Case No. 5081/2022.

According to the Labour Code, employers with more than 50 employees are under a duty to annually set aside between 4 % and 10 % of their jobs as suitable to accommodate persons with disabilities, *inter alia*.³¹² 'Accommodating' here means assigning current employees or new recruits with disabilities to jobs that are suitable for their altered or reduced working capacity. 'Accommodating' is based on official indications by the relevant medical-administrative bodies that certify/assess persons with disabilities. Being 'accommodated' as per such an official indication is not equivalent to having one's disability/reduced working capacity assessed/certified. Setting aside jobs as suitable for accommodating persons with disabilities is not equivalent to actually hiring as many such people as there are such jobs. Jobs suitable for accommodating employees who have a disability may be taken by people without disabilities – when there are not enough persons with disabilities to take them all. In such cases, as soon as there is a new recruit with a disability and with an 'accommodating' indication, a person without a disability who has a job suitable for 'accommodating' will lose their job, and it will be taken by the new recruit. Therefore, the employer is obliged to appoint a candidate with a disability who is qualified and cannot decline to appoint them on the ground that a person without a disability is already employed in the function. In that sense, jobs set aside for accommodating are placed at the disposal of persons with disabilities with an official accommodating indication. The employer has no duty to actually find persons with disabilities to be the job holders.

Under the Labour Code, there is no explicit provision to the effect that these jobs may be taken by people outside the employer's organisation, including people who were not previously employed. In practice, where a job applicant with a disability is qualified to take an adapted job, they will be hired if there is such a position. The Labour Code stipulates that an employer who fails to discharge a duty under the Code is liable to a fine of between EUR 750 and EUR 7 500 (BGN 1 500 and BGN 15 000) (Article 414(1)). This is a general provision on sanctions and is not specific to non-implementation of quotas. In the case of quotas not being implemented, a fine would be imposed on the employer for the overall situation, not per unfilled quota place. If, upon a subsequent inspection, the employer is found still not to have complied, a fine for a repeat violation would be imposed on them – a higher amount (between BGN 15 000 and BGN 20 000 (EUR 7 500-EUR 10 000)) (Article 414(4), Labour Code).

According to statistics from the Agency for People with Disabilities, in 2016 (no data are available for recent years),³¹³ 32 859 positions were set aside; 18 756 of them for people with permanent disabilities; 11 083 posts were actually occupied by persons with disabilities and 11 829 by people with permanent disabilities; and 5 381 positions set aside were advertised as vacant.³¹⁴ These data are incomplete and unreliable because, as the Agency explicitly recognises in its 2016 report, 65 out of 98 regional labour bureaux supplied data; possibly not all employers informed their bureau (2 346 did); there are no data on the number of employers who were subject to this duty; and the numbers stated for occupied and vacant posts do not seem to match up with the overall number of accommodated positions. 'Accommodated' here means made suitable for persons with reduced or altered working capacity.

Disability quotas are also provided for under the Civil Servant Act.³¹⁵ Authorities with more than 50 staff are bound to designate at least 2 % of all positions for people with long-term disabilities.³¹⁶ Authorities with between 26 and 50 staff must designate at least one

³¹² Labour Code, Article 315(1).

³¹³ Since the repeal of the Integration of People with Disabilities Act on 1 January 2019, employers are no longer obliged to inform the Agency for People with Disabilities (APD) of the number of jobs set aside for people with permanent or other disabilities. Accordingly, the APD no longer aggregates such data. The General Labour Inspectorate (GLI) does not collect or possess such data either. The GLI has no information of such data being available from another source.

³¹⁴ Available at: <http://ahu.mlsr.government.bg/portal/document/51085> (in Bulgarian).

³¹⁵ Civil Servant Act, (*Закон за държавния служител*) entered into force 28 August 1999, last amendments October 2023, Article 9a.

³¹⁶ Civil Servant Act, Article 9a(1.1).

position.³¹⁷ Candidates for these positions compete only with other persons with disabilities.³¹⁸ In 2015, an amendment entered into force requiring 1 % to be set aside among civil servants in the Ministry of the Interior who are not police 'organs', among civil servants in the 'National Security' State Agency who are not directly involved in its specific activities and among civil servants in the 'Technical Operations' State Agency (secret surveillance) who have employment contracts with the agency.³¹⁹

The People with Disabilities Act (PDA) introduced additional employment quotas for persons with long-term disabilities. Employers with 50 to 99 employees must hire at least one person with a long-term disability, while employers with 100 or more employees must hire at least two people with long-term disabilities per 100 members of staff (Article 38(1)). Accommodated posts set aside under the Labour Code (existing quota duties) are not taken into consideration for purposes of compliance with the PDA duties (Article 38(2) PDA). The PDA quota requires new employees to be hired. In case of non-compliance, employers are subject to fines (the maximum amount is BGN 5 000 (EUR 2 500), doubled in cases of repeat violations). Alternatively, a non-complying employer would pay monthly compensation for every unfilled quota place (payments would contribute to the state budget). A monthly payment would be equivalent to 30 % of the minimum wage (in 2025, BGN 1 077 (EUR 550)). This means that an employer may avoid (the risk of) being fined by opting to pay monthly compensation.

The PDA duty does not concern public authorities employing civil servants, only private employers. Therefore, it does not affect existing quota duties under the Civil Servant Act. The aforementioned quota is available only to people who have been officially assessed as having a disability and are registered as such.

³¹⁷ Civil Servant Act, Article 9a(1.2).

³¹⁸ Civil Servant Act, Article 9a(2).

³¹⁹ Civil Servant Act, Article 9a(1.3).

6 REMEDIES AND ENFORCEMENT

6.1 Judicial and/or administrative procedures (Article 7 Directive 2000/43, Article 9 Directive 2000/78)

a) Available procedures for enforcing the principle of equal treatment

In Bulgaria, the following procedures exist for enforcing the principle of equal treatment:

- Judicial proceedings before the district (civil) courts.³²⁰
- Specialised quasi-judicial proceedings before the PADC, the independent equality body, with judicial review by two instances of administrative courts.³²¹ This is complemented by a follow-up procedure for damages before the courts (administrative courts for public-law respondents and civil courts for others).³²²

A victim can choose between the judicial and PADC remedies. The courts can make a declaration of discrimination and award compensation for damages, as well as order the respondent to take remedial action or to abstain from or to terminate particular action or inaction found to be in breach of the law. The equality body can make a finding of discrimination, order preventive or remedial action and impose financial sanctions.³²³ It cannot award compensation.

Under the PADA, the provisions on the judicial remedy before the general courts expressly indicate as competent the civil courts, whoever the respondent, public or private. However, where the respondent is a public authority, the case law has moved towards recognising as competent not the civil courts, but the administrative ones. The PADC remedy is universally applicable, regardless of the respondent. Both remedies are binding.

While under the Labour Code, the Chief Labour Inspectorate (CLI) is competent to exercise overall oversight of compliance with the Labour Code and to impose sanctions, this procedure is not relevant for purposes of discrimination protection. The CLI has no (known) practice of enforcing the Labour Code's prohibition of discrimination.

Under the Criminal Code, similarly, provisions on discriminatory criminal acts, such as incitement to discrimination, hate-based violence or vandalism, mobbing or interference in religious practice, lack enforcement.

b) Barriers and other deterrents faced by litigants seeking redress

According to the PADA, both the judicial and the PADC procedures are exempt from costs, both state fees and expenses.³²⁴ However, for a number of years, the case law has failed to respect this and parties have been ordered to pay each other's costs on losing. On top of that, the PADC has been successfully seeking costs when complainants appeal against its decisions before the administrative court.³²⁵ Where complainants are unsuccessful, the court has been ordering them to pay the PADC staff legal representatives' fees. The

³²⁰ PADA, Article 71. Interpretative Decree No. 1 of 16 January 2019.

³²¹ PADA, Articles 47, 50, and 68(1).

³²² PADA, Article 74.

³²³ The maximum sanction which may be imposed on an individual for an act of discrimination is the equivalent of EUR 1 000. For legal persons this is EUR 1 250. For a repeated offence, the sanction is automatically double. For a failure to abide by a decision of the equality body, the maximum sanction is EUR 5 000. Where such a failure continues for more than three months after the decision imposing this sanction entered into force, the next sanction is up to EUR 10 000.

³²⁴ PADA, Article 53 and Article 75(2).

³²⁵ The PADC bases this practice on an interpretative ruling (*тълкувателно решение*) by the SAC – No. 3 of 13 May 2010, rendered in commercial Case No. 5 of 2009 (see PADC letter No. 44-00-1609 of 20 April 2015). This ruling is of general application and not specific to cases under the PADA. Its application to PADA cases contradicts the PADA, Article 75(2).

supposed reason that the courts have ignored the PADA's exemption of litigants from costs is that, under this legislative rule, costs should be recuperated from courts' budgets.

However, in a landmark decision, the SAC at long last explicitly recognised that the PADA, as *lex specialis*, provides for a special rule on fees and costs, and parties are therefore exempt from both.³²⁶ Nevertheless, this ruling has not settled the issue, as in other cases the SAC has continued to award costs and demand court fees at the expense of the parties.³²⁷ In 2020, the SAC continued to confirm costs awards by lower courts to the detriment of losing parties.³²⁸ It turned down a request to make a preliminary reference to the CJEU on this issue. However, the Court recognised at least that court fees are not due.³²⁹ The Sofia City Court ruled that costs are due too.³³⁰ Interpretative case No. 5 of 2021 was initiated by order of 21 December 2021, at the request of the Ombudsman of the Republic of Bulgaria, for the adoption of an interpretative decision on the question whether state fees are due in proceedings under the PADA. The reasoning the Ombudsman gave for her request was the fact that the case referred to her had involved a contradictory interpretation of the provisions of Article 75(2) of the PADA with regard to the chargeability of state fees under Article 227-*bis* or Article 235-*bis* of the Code of Administrative Procedure (CAP). She stated that there is no uniform view in the case law on the question whether a state fee under Article 227a or Article 235a of the CAP is payable in proceedings under the PADA. She asked for clarification of whether that applied to cassation proceedings against decisions of the PADC under Article 68 of the PADA. In 2024, the General Assembly of the Chambers of the SAC reviewed conflicting decisions and legal opinions from various administrative courts and legal bodies. In relying on the *lex specialis derogat legi generali* principle, the SAC held that the PADA is a special law focusing specifically on anti-discrimination measures, while the CAP is a general procedural law, thus the PADA takes precedence over the CAP when addressing the same subject matter. The SAC recalled that the relevant PADA provision, effective since 2004, explicitly states that no state fees are to be charged for court proceedings under this law. The SAC further held that in light of the fundamental rights protection powers of the Bulgarian equality body, the PADC, the state fee exemption under the PADA ensures free, financially unburdensome access to court for persons who are victims of discrimination, thus guaranteeing them an effective remedy for a fundamental right.³³¹

Litigants are free to represent themselves in both judicial and PADC procedures.³³² Before the Supreme Court of Cassation a complaint only needs to be signed by a lawyer³³³ and complainants can appear unrepresented at hearings. In practice, litigants without a lawyer would be at a disadvantage in court where proceedings are complicated and formal. Before the equality body, which has quasi-investigative powers and whose proceedings are informal and accessible, complainants are not as dependent on a lawyer. On the other hand, the PADC is located in the capital city, which poses a geographical barrier.

Because of case law contradictions in respect of the competent courts in discrimination cases against public authorities, cases which were heard by a civil court have on appeal been remanded to an administrative court, and vice versa, to start all over again, for no

³²⁶ SAC, Ruling of 4 July 2019 in Case No. 6182/2019.

³²⁷ SAC, Ruling No. 7627 of 21 May 2019 in Case No. 7982/2017, Ruling of 18 July 2019 in Case No. 5927/2019.

³²⁸ SAC, Decision No. 5733 of 18 May 2020 in Case No. 6405/2019.

³²⁹ SAC, Decision No. 5733 of 18 May 2020 in Case No. 6405/2019, Ruling No. 5206 of 30 April 2020 in Case No. 3194/2020.

³³⁰ SCtC, Ruling No. 261593 of 2 December 2020 in Case No. 12501/2019.

³³¹ SAC, Interpretative Decision No. 5 of 25 June 2024 in Case No. 5/2021.

³³² For Supreme Court proceedings, both administrative (or judicial review) and civil, appellants only need to have a lawyer or *juris consult* to countersign their cassation appeal (Article 284(2) of the Civil Procedure Code and Article 18(1) of the Administrative Procedure Code) and the law does not require them to be represented at hearings.

³³³ Civil Procedure Code (*Граждански процесуален кодекс*), Article 284(2).

reason other than the courts' contradictory construction of competence rules in such cases.³³⁴ This breaches litigants' rights to proceedings of a reasonable length.

While the PADA is clear enough that the civil courts are competent to hear all discrimination claims and the administrative courts are only competent in damages cases where the PADC has already found discrimination, the case law has been inconsistent as regards the competence of the administrative courts as opposed to the civil courts in terms of claims against public bodies. After years of judicial competence disputes between the civil and administrative courts, in 2015, the SCC and the SAC jointly ruled that in all cases of alleged discrimination against public bodies, the administrative courts were competent, including where no PADC proceedings had taken place prior to the filing of a claim with the court.³³⁵

In 2019, the SCC and the SAC again jointly issued an interpretative ruling, reversing the ruling from 2015. Under the 2019 ruling, in all cases of alleged discrimination in which no PADC proceedings had taken place prior to the filing of a claim with the court, whether against private or public bodies, the civil courts were competent, whereas the administrative courts were competent only to hear claims for compensation following a PADC ruling establishing discrimination on the part of a public body.³³⁶ The Sofia City Court has confirmed that the civil courts are competent to hear claims against public bodies, as well as all other claims in cases in which the party did not resort to the PADC.³³⁷

The time limit for the civil court remedy is the general limit for civil cases – five years. For the PADC remedy, it is three years. In a case in which a complainant had first brought proceedings before the PADC and then, after obtaining a finding of discrimination, had filed a court claim for compensation based on that finding, the SCC problematically held that the period of five years to file a court claim ran from the breach, and the bringing of PADC proceedings had not stopped it, wherefore it had long elapsed and the claim was inadmissible.³³⁸ Effectively, this means that, contrary to the PADA, complainants are barred in practice from claiming compensation in cases in which they go to the PADC first, as the period of five years will likely always have elapsed by the time a PADC decision becomes final (there being two instances of judicial review of PADC decisions). However, in another case, the Sofia City Court upheld a decision by the lower civil court, which had awarded compensation to a discrimination victim based on a PADC decision from six years prior.³³⁹

There is no limit on the amounts of compensation the courts can award. The maximum amounts of sanctions imposable by the PADC are provided for under the PADA and appear reasonable, even if their effectiveness as a deterrent in practice is unknown. Also unknown is the rate of implementation of PADC decisions imposing fines.

c) Number of discrimination cases brought to justice

In Bulgaria, statistics on the number of court cases related to discrimination brought to justice are available. However, these statistics are not comprehensive, adequately disaggregated, harmonised or updated and may feature unclear overlaps, as well as gaps. Statistics are available for the SCAC, hearing PADC-decided cases on appeal as a first instance, as well as discrimination claims against public bodies. In 2020, 85 such cases were filed with the SCAC (out of 3 760 cases in total filed with the relevant chamber of the court, the one dealing *inter alia* with PADA cases).³⁴⁰ In 2021, 78 PADA-based cases were

³³⁴ For instance, SAC, Ruling No. 10400 of 3 August 2018 in Case No. 12325/2017.

³³⁵ Interpretative Decree 2/2014 of 19 May 2015.

³³⁶ Interpretative Decree No. 1 of 16 January 2019.

³³⁷ SCtC, Decision No. 261079 of 9 November 2020 in Case No. 15323/2019.

³³⁸ SCC, Ruling No. 219 of 14 March 2019.

³³⁹ SCtC, Decision No. 828 of 30 January 2020 in Case No. 751/2019.

³⁴⁰ See report (in Bulgarian) on the activities of Sofia City Administrative Court in 2020 (*Доклад за дейността на Административен съд София-град през 2020 г.*), available at: <https://sofia-adms-g.justice.bg/bg/1687>.

initiated out of a total of 3 693 filed with the relevant chamber.³⁴¹ No statistics are available for the number of PADA cases decided. According to the report on the activities of Sofia City Administrative Court in 2022,³⁴² 78 PADA cases were initiated, of a total of 3 443 filed with the relevant chamber. In 2023,³⁴³ of a total of 3 533 cases filed with the relevant chamber, 80 PADA cases were initiated. In 2024,³⁴⁴ of a total of 3 751 cases filed with the relevant chamber, 90 PADA cases were initiated. The information for 2025 is still not available.

There are no statistics for the Supreme Administrative Court hearing PADC cases on judicial review as a final instance.³⁴⁵ There are no statistics for the administrative courts hearing discrimination cases as a first instance (damage claims against public bodies). As of 1 January 2025, 94 cases involving civil claims under the PADA were pending before the first instance civil courts. For the first half of 2025, 62 new cases on civil claims under the PADA were initiated. For the same period, 69 cases were decided by the first instance civil courts. Nine of them were entirely upheld by the court; five claims were partially upheld; seven claims were entirely rejected; zero cases were settled; and 48 cases were terminated for other reasons. The number of decisions appealed was 30. According to the statistics for the first half of 2025 before the administrative courts, there were no cases of judicial review of decisions by the PADC.³⁴⁶

For comparison, according to Supreme Judicial Council statistics for the district (first instance) civil courts, for the whole 2024, 62 new cases were initiated under the PADA.³⁴⁷ In the same period, 65 PADA cases were decided. In five of these, the claim was fully upheld; in four cases, the claim was partially upheld; and in 10 cases, the claim was dismissed. Forty-six cases were terminated and 28 decisions were appealed.

In 2020, 26 cases brought to establish discrimination were filed with the SCC, while two cases were filed for compensation for discrimination.³⁴⁸ In 2021, again, 26 cases brought to establish discrimination were filed with the SCC, and two cases were filed for compensation for discrimination.³⁴⁹ Statistics for 2022 indicate 23 cases brought to establish discrimination, while one case was filed for compensation for discrimination.³⁵⁰

In 2023, 34 cases brought to establish discrimination were filed with the SCC and no cases were filed for compensation for discrimination.³⁵¹ The most recent information for 2024

³⁴¹ See report (in Bulgarian) on the activities of Sofia City Administrative Court in 2021 (*Доклад за дейността на Административен съд София-град през 2021 г.*), available at: <https://sofia-adms-g.justice.bg/bg/1687>.

³⁴² See report (in Bulgarian) on the activities of Sofia City Administrative Court in 2022 (*Доклад за дейността на Административен съд София-град през 2022 г.*), available at: <https://sofia-adms-g.justice.bg/bg/1687>.

³⁴³ See report (in Bulgarian) on the activities of Sofia City Administrative Court in 2023 (*Доклад за дейността на Административен съд София-град през 2023 г.*), available at: <https://sofia-adms-g.justice.bg/bg/1687>.

³⁴⁴ See report (in Bulgarian) on the activities of Sofia City Administrative Court in 2024 (*Доклад за дейността на Административен съд София-град през 2024 г.*), available at: <https://sofia-adms-g.justice.bg/bg/1687>.

³⁴⁵ Supreme Administrative Court, activity report for 2024, available (in Bulgarian) at: [https://sac.justice.bg/home.nsf/0/3405C044C0A4A032C2257BEA003351D0/\\$FILE/%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4%20%D0%B7%D0%B0%20%D0%B4%D0%B5%D0%B9%D0%BD%D0%BE%D1%81%D1%82%D1%82%D0%B0%20%D0%BD%D0%B0%20%D0%92%D0%90%D0%A1%202024%2030-04-2025.pdf](https://sac.justice.bg/home.nsf/0/3405C044C0A4A032C2257BEA003351D0/$FILE/%D0%94%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4%20%D0%B7%D0%B0%20%D0%B4%D0%B5%D0%B9%D0%BD%D0%BE%D1%81%D1%82%D1%82%D0%B0%20%D0%BD%D0%B0%20%D0%92%D0%90%D0%A1%202024%2030-04-2025.pdf)

³⁴⁶ Supreme Judicial Council, Aggregated Statistical Tables on the Courts' Activities for the first half of 2025 available (in Bulgarian): https://vss.justice.bg/root/f/upload/46/total-tables_Ip-2025.pdf (Annex No. 111).

³⁴⁷ Supreme Judicial Council, Aggregated Statistical Tables on the Courts' Activities for 2024 available (in Bulgarian): https://vss.justice.bg/root/f/upload/43/total-tables_Ip-2024.pdf (Annex No. 111).

³⁴⁸ Supreme Court of Cassation, 'Statistical Data for 2020', available at: <http://www.vks.bg/analizi-i-dokladi/vks-doklad-prilagane-na-zakona-2020-prilojenie1.pdf>.

³⁴⁹ Supreme Court of Cassation, 'Statistical Data for 2021', available at: <http://www.vks.bg/analizi-i-dokladi/vks-doklad-prilagane-na-zakona-2021-prilojenie1.pdf>.

³⁵⁰ Supreme Court of Cassation, 'Statistical Data for 2022', available at: <https://www.vks.bg/analizi-i-dokladi/vks-doklad-prilagane-na-zakona-2022-prilojenie1.pdf>.

³⁵¹ See: <https://www.vks.bg/analizi-i-dokladi/vks-doklad-prilagane-na-zakona-2023-prilojenie1.pdf> (in Bulgarian).

indicates 37 cases brought to establish discrimination and three cases filed for compensation for discrimination.³⁵²

d) Registration of national court decisions on discrimination cases

In Bulgaria, court decisions on discrimination are registered as such by (certain) national courts. However, the statistics are not ground-, or field-disaggregated. They are publicly available.

6.2 Legal standing and associations (Article 7(2) Directive 2000/43, Article 9(2) Directive 2000/78)

a) Engaging in proceedings on behalf of victims of discrimination (representing them)

In Bulgaria, associations, organisations and trade unions are entitled to act on behalf of victims of discrimination. Before the equality body, any entity may represent an individual or another entity.³⁵³ Before the civil courts, trade unions and legal persons operating for non-profit purposes registered in the public interest may represent victims.³⁵⁴ Legal persons operating for non-profit purposes are foundations or associations.³⁵⁵ Those that self-identify as acting in the public interest register in the Commercial Register and Register of Non-profit Legal Entities with the Registry agency under the Ministry of Justice.³⁵⁶ They are subject to stricter requirements.³⁵⁷ Arguably, a non-profit organisation that is not registered under national legislation as being 'in the public interest' can still claim standing before the courts, by substantiating that, in fact, its activities are in the public interest.³⁵⁸

There is no legal duty for NGOs or trade unions to act. It is, however, a common practice for NGOs (not for trade unions) to represent victims of discrimination (although not directly). Usually, NGOs provide lawyers to represent claimants or take court action on their own (the NGO's) behalf (*actio popularis*). Rarely, they also put forward the NGO itself (as opposed to an individual lawyer) as a representative for a claimant. In such cases, a lawyer would represent the NGO that represents a victim.

b) Engaging in proceedings in support of victims of discrimination (joining existing proceedings)

In Bulgaria, associations, foundations and trade unions are entitled to act in support of victims of discrimination. Before the civil courts, trade unions and legal persons operating for non-profit purposes in the public interest may enter cases brought by victims in an 'interested party' capacity.³⁵⁹ There is no legal duty for NGOs or trade unions to do this. There is no formal possibility under the law for NGOs or trade unions to join cases before the PADC.

Generally, NGOs do not use their 'interested party' standing to support claimants before the courts.

³⁵² See: <https://www.vks.bg/analizi-i-dokladi/vks-doklad-prilagane-na-zakona-2024-prilozenie1.pdf> (in Bulgarian).

³⁵³ Administrative Procedure Code (Административнопроцесуален кодекс), April 2006, last amended December 2023, Article 18(2).

³⁵⁴ PADA, Article 71(2).

³⁵⁵ Legal Persons for Non-profit Purposes Act (Закон за юридическите лица с нестопанска цел) (LPNPA), October 2000, last amended December 2020, Article 1(2).

³⁵⁶ LPNPA, Article 2(1 and 2).

³⁵⁷ LPNPA, Chapter 3.

³⁵⁸ LPNPA, Article 38(1) – specifies which activities qualify as public interest ones.

³⁵⁹ PADA, Article 71(2).

c) Submitting observations, e.g. *amicus curiae* briefs/letters

In Bulgaria, national legislation does not explicitly provide for the possibility for associations, foundations or trade unions to submit observations to courts or other adjudicating bodies in the form of *amicus curiae* briefs in discrimination cases. Neither the Protection against Discrimination Act, nor the Civil Procedure Code or Administrative Procedure Code contain provisions allowing third-party organisations that are not parties to the proceedings to submit independent written observations to the court. As a result, there is no formal *amicus curiae* mechanism in discrimination proceedings under Bulgarian law.

However, a limited possibility exists in proceedings before the Constitutional Court. Under the Constitutional Court Act,³⁶⁰ the President of the Court notifies interested institutions of the initiation of proceedings and sets a time limit for the submission of written opinions and evidence. In practice, the Constitutional Court may invite or accept written opinions from various actors, including academic institutions, professional organisations or associations, foundations or trade unions, in cases concerning matters of public importance, including fundamental rights and non-discrimination. These submissions are treated as written opinions rather than formal *amicus curiae* briefs, as Bulgarian law does not regulate a specific procedural status equivalent to *amicus curiae*.

d) *Actio popularis*

In Bulgaria, national law allows associations, foundations and trade unions to act in the public interest on their own behalf, without a specific victim to support or represent (*actio popularis*). According to the PADA, any entity can bring proceedings before the PADC without identifying a specific victim.³⁶¹ No special requirements apply; incorporation is enough. However, under settled Supreme Administrative Court case law, public interest law litigants expressly have no standing to appeal against PADC decisions, as such litigants are said to lack 'a legal interest', not being personally affected by a PADC decision.³⁶² This means that public interest NGOs and minority activists bringing PADC proceedings in cases where the rights of many unspecified victims were infringed are excluded from access to judicial review of unfavourable PADC decisions. This is a serious hindrance for public interest litigation. Before the PADC, *actio popularis* litigants may seek the same remedies as victims.

On the other hand, in a landmark case, the SAC heard a case brought by an NGO against pro-Roma positive measures; the NGO had appealed against the PADC decision, which had dismissed its claims. On appeal by this NGO, the SCAC had heard the case, and repealed the PADC's decision. The SAC confirmed the SCAC decision rather than annul it as having been rendered in an inadmissible case (as would have been implied had it considered that the NGO lacked standing to appeal against the PADC decision).³⁶³ The case law is, therefore, contradictory.

Before the civil courts, trade unions and public interest non-profit organisations can take *actio popularis* action, 'where the rights of many parties are infringed' (Article 71(3), PADA). Entity incorporation is required. Non-profit organisations not formally registered as being in the public interest need to substantiate how their activities are publicly useful in fact. Both trade unions and non-profits need to substantiate how the alleged discrimination affected many people. There is no legal definition of 'many'. In the past, in one case, judges accepted as few as 10 as enough. In another case, they frustrated implementation of the

³⁶⁰ Constitutional Court Act (*Закон за Конституционен съд*), adopted August 1991, entry into force January 2002, last amended March 2014, Article 18(2).

³⁶¹ PADA, Article 50(3).

³⁶² For instance, SAC, Decision No. 7863 of 12 June 2018 in Case No. 697/2017; Ruling No. 6491 of 17 May 2018 in Case No. 5486/2018.

³⁶³ SAC, Decision No. 458 of 13 January 2020 in Case No. 5375/2019.

legal provision, requiring that victims be enumerated and each individual listed by name. Trade unions and non-profit organisations can explicitly (only) seek a declaration of discrimination and a court order for the respondent to stop and abstain from the impugned conduct. The listing is exhaustive. A claim for damages is clearly, if implicitly, excluded. No special rules apply concerning the shifting of the burden of proof.

In 2025, decisions were rendered in at least three *actio popularis* cases brought by activists and NGOs.³⁶⁴ Notably, at least one of the cases was initiated by a Roma NGO, one by a human rights organisation and one by an association.

e) Class action

In Bulgaria, national law allows associations, foundations and trade unions to act in the interest of more than one individual victim (class action) for claims arising from the same event. Under general civil procedure law, organisations which exist for the protection of a particular category of victims or for the protection of people from a particular type of violation have standing to bring 'collective claims' in court.³⁶⁵ Such claims can be brought on behalf of *all* victims of a single violation where their 'circle cannot be exactly defined but is definable'.³⁶⁶ Litigant entities would need to prove incorporation and the fact that they exist 'for the protection' of the relevant victim category. In addition, they are expressly required by law to prove their abilities to 'seriously and in good faith' defend the collective interest harmed, as well as to bear the burden of taking the case, including costs and expenses.³⁶⁷ Entities would need to clarify the circumstances defining the relevant 'circle of victims'. They can claim on behalf of *all* victims that a tortious action or inaction be declared unlawful, that the respondent be ordered to stop the violation and/or to correct its consequences for the collective interest, and to pay compensation.³⁶⁸

In terms of whether this remedy belongs to an opt-in or an opt-out model, it should be noted that, under the law, the relevant persons/entities have standing to bring action on behalf of all victims of the alleged violation, which would indicate an opt-out model. Indeed, under the law, victims may opt out within a certain time limit, which the court confirms (Article 383(1.2)). Those persons are then free to pursue their right in a separate trial. On the other hand, there is also a procedure for including additional victims or organisations, also by express ruling of the court; this amounts to an opt-in procedure (Article 383(1.1)). The decision in the case explicitly has effect vis-à-vis the persons who brought the claim, as well as those persons who claim to be victims and who did not opt out (Article 386(1)). Where the decision upholds the claim, persons who opted out can also avail themselves of that decision (Article 386(1)). The law does govern the relationship between the claimants and the victims in terms of payment of damages (Article 387).

No special rules on shifting the burden of proof apply to general collective claims. General provisions on collective claims implicitly apply to discrimination cases too. In such cases, the rule on shifting the burden of proof under the PADA should arguably apply. In practice, however, this has not been tested in the courts.

6.3 Burden of proof (Article 8 Directive 2000/43, Article 10 Directive 2000/78)

In Bulgaria, national law requires a shift of the burden of proof from the complainant to the respondent. The PADA requires this in all anti-discrimination proceedings, implicitly for any form of discrimination, where the claimant produces (presents) facts from which it may be *presumed* that discrimination is present.³⁶⁹ The 'presumed' criterion was introduced

³⁶⁴ SAC, Decision No. 5014 of 14 May 2025 in Case No. 10780/2024; Decision No. 11094 of 7 November 2025 in Case No. 2788/2023; Decision No. 8653 of 10 September 2025 in Case No. 4541/2025.

³⁶⁵ Civil Procedure Code, Article 379.

³⁶⁶ Civil Procedure Code, Article 379(1).

³⁶⁷ Civil Procedure Code, Article 380(3).

³⁶⁸ Civil Procedure Code, Article 379(2-3).

³⁶⁹ PADA, Article 9.

with the 2015 amendments of the PADA, replacing the more restrictive 'concluded' criterion.

Nevertheless, in 2025, case law continued to be ambiguous in terms of the standard of proof applied, as in some cases the complainant was required to demonstrate facts from which an 'assumption' may be made,³⁷⁰ whereas in other cases a 'reasonable assumption' or 'conclusion' was required.³⁷¹ In a case concerning allegations of harassment in the workplace on the grounds of 'disability' and 'trade union membership' the SAC referred to both 'conclusion' and 'assumption' without distinguishing them in terms of standard of proof.³⁷²

Implementation of the rule on shifting the burden of proof is emerging. While judges and the PADC regularly invoke the shifting of the burden of proof rule, this is at times more declaratory than practical, and they appear still to lack meaningful comprehension of the rule's implications in practice.

Over the years, the SCC has repeatedly ruled that: 'Where discrimination is claimed, the primary burden of proof is on the claimant. They have to prove the facts based on which it is warranted to presume that they have been discriminated against. Only then does the law shift the burden of proof onto the respondent to prove the reverse... The case law is consistent that a claimant's failure to bear the onus of proof that the law assigns them is a sufficient reason to dismiss the claim.'³⁷³

6.4 Victimisation (Article 9 Directive 2000/43, Article 11 Directive 2000/78)

In Bulgaria, there are legal measures of protection against victimisation. The PADA expressly prohibits victimisation as a form of discrimination.³⁷⁴ Victimisation is defined as: a) less favourable treatment of a person who has taken, is presumed to have taken or will presumably take any action for protection against discrimination; b) less favourable treatment of a person where a person associated with them has taken, is presumed to have taken, or will presumably take any action for protection against discrimination; c) less favourable treatment of a person who refused to discriminate.³⁷⁵ The term 'a person' has not been interpreted as excluding groups of persons from protection. Nominally, it could be interpreted in that way but that is not likely. Therefore, protection is accorded for victimisation by presumption and by association too. Action for protection against discrimination may include, but is not limited to, bringing proceedings before the equality body or the court, in either victim or third-party capacity, or testifying in proceedings.³⁷⁶ Therefore, any person who assists any action against discrimination in any way is entitled to protection from victimisation.

The SAC has found victimisation based solely on the fact that the respondent had treated adversely the complainant following the latter's complaint to the PADC, i.e. the temporal relationship between the events, requiring no other proof of a causal link.³⁷⁷ The Court held that, in this case, no comparator was needed, as victimisation could be 'logically' inferred from the overall conduct of the respondent. In this way, the court seemed to imply that in other cases a comparator might be needed, which would contradict the definition of victimisation under the directives.

³⁷⁰ SAC, Decision No. 12200 of 28 November 2025 in Case No. 7795/2025; Decision No. 12200 of 25 June 2025 in Case No. 7795/2025 of 28 November 2025 in Case No. 1915/2025.

³⁷¹ SAC, Decision No. 8670 of 15 September 2025 in Case No. 227/2025.

³⁷² SAC, Decision No. 6229 of 12 June 2023 in Case No. 9621/2022.

³⁷³ For instance, SCC, Ruling No. 2572 of 18 September 2023 in Case No. 4624/2022; Ruling No. 60512 of 18 June 2021 in Case No. 1285/2021, Ruling No. 466 of 27 May 2020 in Case No. 188/2020, Ruling No. 497 of 19 June 2019 in Case No. 881/2019; Ruling No. 595 of 22 July 2019 in Case No. 109/2019.

³⁷⁴ PADA, Article 5.

³⁷⁵ PADA, Additional Provision paragraph 1(3).

³⁷⁶ PADA, Additional Provision paragraph 1(3).

³⁷⁷ SAC, Decision No. 7293 of 16 June 2021 in Case No. 2405/2021.

6.5 Sanctions and remedies (Article 15 Directive 2000/43, Article 17 Directive 2000/78)

a) Applicable sanctions in cases of discrimination – in law and in practice

The PADC can impose financial sanctions of between BGN 250 (EUR 125) and BGN 2 000 (EUR 1 000) (for individuals) or BGN 2 500 (EUR 1 250) (for legal persons), amounts that would arguably be dissuasive to the majority of individuals and small enterprises.³⁷⁸ While medium-sized and large businesses might not be deterred by these amounts, the bad publicity arguably motivates them to actively engage in proceedings and in settlements where complainants are open to the latter. PADC fines are not awarded to the victim as compensation but go to the PADC budget.³⁷⁹ Where a breach is repeated, the sanction is doubled.³⁸⁰ These sanctions are uniformly applicable to all sectors and fields, including the private and public sectors, as well as fields outside employment. The PADC can, furthermore, order particular remedial action by discriminators and suspend the execution of employers' decisions where those may result in discrimination.³⁸¹ The civil courts do not impose fines. They award compensation for damages (Article 71(1.3), PADA).

- i) Bulgarian legislation does not provide for preventive and socio-preventive sanctions or structural injunctions. Civil courts may issue orders requiring the defendant to cease a violation, restore the situation to its previous state, and refrain from future violations. These measures are remedial and case-specific in nature. They are not equivalent to preventive or socio-preventive sanctions, such as structural injunctions, which typically aim at systemic change or institutional reform.
- ii) There are no sanctions specific for cases of collective redress (*actio popularis* or class actions): that is, the general rules apply.
- iii) No sanctions are in place to deal with cases of mass discrimination, particularly as a result of the use of AI or automated systems.

In previous years, the SAC has held that the PADC may not establish a breach when it finds that a piece of legislation is discriminatory and may not issue injunctions to the relevant body (for example, the Government or a minister) to discontinue such a breach by doing the necessary to change the legislation.³⁸² Instead, it may merely make suggestions and recommendations in that regard, which would be non-binding.

However, in 2024, the SAC upheld the PADC's authority to issue injunctions to public bodies. PADC ruled that Annex No. 1 of the Ordinance on Medical Expertise, which was revised in 2021, constituted indirect discrimination towards people with dwarfism and its decision was later confirmed by the SCAC and SAC. The author of the discriminatory provision was the Council of Ministers, but the injunctions were issued to the Minister of Health, who has the power to submit a draft amendment to the provision to the Council of Ministers.³⁸³ In a case concerning an indirectly discriminatory provision of an Ordinance of the Council of Ministers on the regulation and registration of the prices of medicinal products,³⁸⁴ the SAC upheld the SCAC's decision in confirming PADC's findings and the injunction it had imposed on the Council of Ministers.³⁸⁵ The SAC also upheld the SCAC's decision confirming the PADC's decision by which the latter, *inter alia*, had issued an injunction to the National Health Insurance Fund to take timely measures necessary to

³⁷⁸ PADA, Articles 78-80.

³⁷⁹ PADA, Article 83.

³⁸⁰ PADA, Article 81.

³⁸¹ PADA, Article 76.

³⁸² SAC, Decision No. 9126 of 10 August 2021 in Case No. 3218/2021.

³⁸³ SAC, Decision No. 11893 of 5 November 2024 in Case No. 2722/2024.

³⁸⁴ Which had previously been annulled by the SAC, but reproduced afterwards.

³⁸⁵ SAC, Decision No. 9998 of 23 October 2023 in Case No. 11691/2022.

implement the procedure for obtaining dietary foods for special medical purposes intended for patients with a particular medical condition, both for children and for persons over 18 years of age, on an equal footing.³⁸⁶ The prescribed measures were in fact adopted by the respondent during the course of the proceedings.

b) Pecuniary sanctions – maximum and average amounts

The PADC can impose financial sanctions of between BGN 250 (EUR 125) and BGN 2 000 (EUR 1 000) (for individuals) or BGN 2 500 (EUR 1 250) (for legal persons).

There is no information about the average amounts of the imposed pecuniary sanctions.

There is no maximum amount of compensation.³⁸⁷ The courts can award any amount they consider fair (non-pecuniary damages) or proven (pecuniary damages). There is no information available concerning the average amount of compensation awarded to successful discrimination victims. It appears clear that the awards are the highest in disability cases, especially architectural inaccessibility cases. The Supreme Court of Cassation (SCC) has expressly held that there was no restriction on the type of damages that a claimant in a discriminatory dismissal case could claim; all damages directly resulting from the impugned act were subject to compensation.³⁸⁸ In a landmark decision, the SCC reversed previously settled case law that in no cases, including discrimination cases, can legal persons incur, or claim, non-pecuniary damages.³⁸⁹

c) Assessment of the sanctions

It is not known whether sanctions are effective, proportionate and dissuasive in practice, even if one were to assume that decisions imposing PADC sanctions are fully implemented, and it is not known if this is so. The rate of implementation of PADC decisions imposing fines and structural redress is not known. Whether a specific fine is an effective deterrent would depend on the size of the organisation sanctioned and whether it is a business or a non-profit organisation. Similarly, the rate of implementation of court structural relief injunctions, such as accessibility orders, is not known.

In 2019, the SAC ruled that the PADC has no authority to issue injunctions to public bodies, only to private natural and legal persons.³⁹⁰ Vis-à-vis public bodies that are found to have discriminated, the PADC has the authority only to make recommendations. However, in 2022, the SAC reached a different conclusion on the PADC's authority to issue injunctions to public bodies. It did so by upholding the SCAC's decision confirming the PADC's decision by which the latter, *inter alia*, issued an injunction to the Minister of Health to 'take all necessary measures to eliminate the de facto discrimination experienced by insured individuals with complete maxillary and/or mandibular dislocation outside the 65-69 age group. The outcome of these measures should be the establishment of criteria and guarantees for access to the relevant medical devices through full or partial payment by the state, irrespective of the age of the person.'³⁹¹ Furthermore, the first instance SCAC had clearly held that: 'PADC's decision in this part was adopted on the basis of Article 47 point 4 of the PADA and was addressed to the Minister of Health. It constituted an injunction which the PADC has the authority to issue in accordance with the aforementioned provision of the law.

³⁸⁶ SAC, Decision No. 10875 of 9 November 2023 in Case No. 1419/2023.

³⁸⁷ This concerns indemnification of a victim's pecuniary or non-pecuniary damages, whatever those might be in the particular case, and not financial punishment by the state by decision of the equality body.

³⁸⁸ SCC, Decision No. 144 of 8 June 2018 in Case No. 4603/2017. See also Ruling No. 266 of 23 March 2017 in Case No. 4603/2016.

³⁸⁹ SCC, Decision No. 274 of 18 March 2019 in Case No. 5120/2017.

³⁹⁰ SAC, Decision No. 15498 of 14 November 2019 in Case No. 3959/2018.

³⁹¹ SAC, Decision No. 4036 of 27 April 2022 in Case No. 563/2022.

d) Enforcement and monitoring of the implementation of sanctions

i) Courts and adjudicating bodies' mechanisms to monitor or enforce their decisions

The PADC has the authority to issue binding decisions, but courts and other bodies play a role in monitoring and enforcing compliance. The key mechanisms include judicial oversight through appeals: PADC decisions can be appealed before the SCAC or regional administrative courts and their decisions respectively before SAC. If the courts uphold the PADC decision, it becomes final and enforceable under administrative law.

ii) Jurisdiction following the imposition of sanctions

There is a possibility for courts and other adjudicating bodies to retain jurisdiction after sanctions have been imposed. For example, retaining jurisdiction may involve monitoring compliance with orders through, for example, periodic reviews or follow-up hearings to ensure that the perpetrator has ceased discriminatory practices and complied with orders, including paying compensation or making institutional changes. It could also involve receiving reports from social services or cooperating with relevant authorities to assess compliance with the imposed sanctions. This might involve submitting periodic reports or updates to the courts or adjudicating bodies, or conducting follow-up inspections.

iii) Further measures courts or adjudicating bodies can take in case of non-compliance with the sanction

Non-compliance with a PADC ruling may lead to additional legal proceedings. According to PADA, when the violations are committed repeatedly, a fine or a sanction issued by the PADC shall be imposed at twice the amount initially imposed.

iv) The burden of enforcing sanctions

The PADC monitors implementation of decisions that have entered into force, administrative measures imposed³⁹² and agreements approved. As a result of actions taken for these purposes in 2025, a continued strengthening of the trend of timely follow-up of the implementation of enforced decisions is observed. This includes monitoring the implementation of mandatory prescriptions, timely collection of imposed administrative penalties (fines and pecuniary sanctions), and awarded court costs in administrative cases, as well as following up on recommendations given.³⁹³ In 2025 the PADC received 30 written notifications concerning measures taken in compliance with mandatory injunctions. More than 20 invitations for voluntary compliance were sent. The total value of fines and pecuniary sanctions collected by the Commission amounts to BGN 9 000 (EUR 4 500). A total of 21 mandatory prescriptions have been implemented and the implementation of all agreements has been followed up.

³⁹² PADA, Article 67(1).

³⁹³ PADC, *Годишен отчет за 2025 г.* (Annual report for 2025), available at: https://kzd-nondiscrimination.com/?page_id=14583, p. 77.

7 BODY FOR THE PROMOTION OF EQUAL TREATMENT (Article 13 Directive 2000/43)³⁹⁴

Bulgarian law is largely, but not yet fully, in line with Directive 2024/1499.

The PADC should operate free from external influence and should neither seek nor receive instructions from the Government. It should also have the ability to manage its own financial and other resources and to take autonomous decisions regarding its internal structure, accountability mechanisms, staffing and organisational matters. Furthermore, the selection, appointment, dismissal and potential conflicts of interest of the members and staff of the PADC should be governed by transparent procedures.

These requirements appear to be partially fulfilled with regard to the Bulgarian equality body. Some of the main issues include the absence of a publicly available work programme setting out the priorities and planned activities of the PADC. Another issue concerns delays in the publication of the annual activity reports, including information on the budget, staffing and financial reporting. There are also no formal mechanisms enabling the PADC to cooperate with civil society organisations.

Transparency in the work of the Commission remains an issue. Currently, only some decisions of the PADC are published on its website, while decisions that are still subject to appeal are generally not available online. The Bulgarian courts³⁹⁵ have already recognised that such decisions constitute public information. Despite this, the decisions are still not systematically published on the PADC's website.

No legislative amendments to the PADA were adopted in 2025 in view of the transposition of Directive (EU) 2024/1499.³⁹⁶

7.1 National equality body

a) General 'architecture' of equality bodies

The Protection Against Discrimination Commission (PADC) is an independent (outside of the hierarchical structure of the executive) specialised administrative body with quasi-judicial functions and has existed since 2004, with a country-wide mandate to enforce and promote equality on an open-ended list of grounds, including race/ethnicity. It is the sole equality body in Bulgaria, although the Ombudsman, being a national human rights institution with a broader mandate, also exercises its competences with a view to protecting equality before the law.

b) Designated body for the promotion of equal treatment irrespective of racial/ethnic origin according to Article 13 of the Racial Equality Directive

The services of the PADC are accessible on an equal basis to all. PADC procedures are exempt from costs, both state fees and expenses. Reasonable accommodation is provided to persons with disabilities. According to the PADC website, there are 23 operational PADC regional offices in 23 regional cities. In five of the country's 28 regions, the PADC is yet to establish a regional office.

³⁹⁴ Assessments and views concerning compliance with EU law throughout Section 7, notably for Directive 2024/1499 whose transposition deadline is 19 June 2026 after the cut off date for this report, reflect the author's opinion.

³⁹⁵ ACSC, decision No. 2641 of 19 April 2022 in Case No. 12864/2021.

³⁹⁶ After the cut-off date for this report several amendments were adopted.

7.2 Political, economic and social context of the designated body

There is no evidence of direct political interference in the PADC's governance (save for the fact that by choosing PADC members, the President and Parliament influence the body's subsequent performance).

Generally, the PADC has become publicly accepted as a relevant, accessible institution and the public have been using the PADC in proceedings before it as a matter of course.

7.3 Institutional architecture

In Bulgaria, the designated body does not form part of a larger body with multiple mandates. According to the PADA, the PADC is a standalone equality body.

Under the PDA, the PADC takes part in the Monitoring Council established under the law. The Monitoring Council ensures that Bulgaria implements the CRPD (PDA, Article 11). The PADC's chairperson appoints two of the Council's nine members (PDA, Article 12(1)). The PADC's and the Ombudsman's respective administrations alternate in servicing the Council's administration, each for terms of two years (PDA, Article 12(4)). The Council prepares: opinions and recommendations to public bodies to prevent and abort violations of the rights of persons with disabilities; periodic reviews and assessments of national legislation and bills, and practice in terms of compliance with the CRPD; and annual reports on the actions undertaken to implement the CRPD (PDA, Article 14).

In addition, the PADC is an UN-accredited national human rights institution (NHRI) within the meaning of the Paris Principles. The PADC's level of accreditation is 'B', i.e. it is an 'observer member' as opposed to a 'voting member'. An observer member does not fully comply with the Paris Principles or has not yet sufficiently substantiated that claim. The reasons given by the Sub-Committee on Accreditation (SCA), the deciding body, for accrediting PADC as a 'B' institution include the fact that the PADC does not have a mandate to protect and promote all human rights.³⁹⁷ Furthermore, the SCA has found that, 'the existing [domestic] legislation does not provide a clear, transparent and participatory selection process that promotes the independence of, and public confidence in, [the PADC]'.³⁹⁸ The SCA has encouraged the PADC to advocate for legislative amendments to: publicise PADC member vacancies; maximise the number of potential candidates from a wide range of societal groups; promote broad consultation and/or participation in the application, screening and selection process; and ensure pluralism in its composition.³⁹⁹

³⁹⁷ International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) Geneva, 25 – 28 October 2011*, pp. 9-10, available at: https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/SCA_REPORT_OCTOBER_2011_FINAL_%28with_annexes%29.pdf.

³⁹⁸ International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) Geneva, 25 – 28 October 2011*, pp. 9-10, available at: https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/SCA_REPORT_OCTOBER_2011_FINAL_%28with_annexes%29.pdf.

³⁹⁹ International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, *Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA) Geneva, 25 – 28 October 2011*, pp. 9-10, available at: https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/SCA_REPORT_OCTOBER_2011_FINAL_%28with_annexes%29.pdf.

7.4 Status of the designated body – general independence and resources

a) Status of the body

- Separate or other legal status or personality: the PADC is a collegiate body consisting of nine members, including at least four lawyers.⁴⁰⁰ It is expressly defined as having its own legal personality.⁴⁰¹
- Selection of governing body: Parliament elects five of the PADC's members, including the chairperson and deputy chairperson, and the President appoints four. Under rules adopted by Parliament and the President in 2017 governing nominations and selection procedures for PADC members, the only substantive criterion is having 'knowledge and experience in human rights protection' pursuant to Article 42(1.2) PADA. Under the President's rules, NGOs and individuals have standing to nominate candidates. However, the President's discretion in choosing among nominees remains legally unfettered and non-transparent. The rules do not govern the making of the presidential choice, nor do they require reasons for it to be articulated; they exclusively govern nominations. Under Parliament's procedure, only MPs and parliamentary groups have standing to propose candidates. PADC members have a five-year term of office.⁴⁰²
- Sources of funding: under the law, it manages its own budget, which is part of the state budget.⁴⁰³ The PADC adopts a draft budget for each subsequent year, which is consequently submitted to the National Assembly,⁴⁰⁴ which, for its part, adopts the budget in question with the State Budget Act for the respective year.
- Powers to recruit and manage staff: in accordance with its own regulations, the PADC chairperson establishes the structure of PADC's administration and the job descriptions of its employees.⁴⁰⁵ S/he appoints, promotes and dismisses employees⁴⁰⁶ and contracts external experts.⁴⁰⁷
- Accountability: The PADC is accountable to Parliament only. Under the law, it reports annually in writing to Parliament on its activities.⁴⁰⁸

b) Independence of the body

The PADC is an independent body by law. In the PADA, it is expressly defined as an 'independent specialised state body'.⁴⁰⁹ In practice, however, the independence of the PADC has arguably been curbed by non-transparent election procedures for members, resulting in Parliament and the President choosing individuals who lack the personal qualities and professional qualifications to enable them to form opinions independently of any authority or of public opinion. While both Parliament and the President adopted rules on PADC member nominations in 2017, the President's decision-making process remains fully discretionary and non-transparent under these rules. The parliamentary procedure provides for transparency, although not necessarily for accountability, as the selection process remains political, and its outcome is not necessarily merit-based. These shortcomings also raise questions as to the full compliance of national law with Directive 2024/1499 regarding the guarantees of independence applicable to equality bodies.

As discussed above in section 7.3 Institutional Architecture, the PADC is accredited as a 'B' rather than an 'A' National Human Rights Institution under the Paris Principles, as it does

⁴⁰⁰ PADA, Article 41(1).

⁴⁰¹ PADA, Article 40(3).

⁴⁰² PADA, Article 41(2).

⁴⁰³ PADA, Article 40(3).

⁴⁰⁴ Regulations on the Structure and Activities of the Protection Against Discrimination Commission (*Правилник за устройство и дейността на Комисията за защита от дискриминация*), Article 7.9.

⁴⁰⁵ Regulations on the Structure and Activities of the Protection Against Discrimination Commission, Article 9.5.

⁴⁰⁶ Regulations on the Structure and Activities of the Protection Against Discrimination Commission, Article 9.6.

⁴⁰⁷ Regulations on the Structure and Activities of the Protection Against Discrimination Commission, Article 9.7.

⁴⁰⁸ PADA, Article 40(5).

⁴⁰⁹ PADA, Article 40(1).

not fully conform to the Paris Principles regarding independence. The 2017 member nomination rules do not fully address these concerns.

The PADC has avoided a critical approach to public figures or practices on controversial matters and in some cases has protracted proceedings against politicians and officials.

c) Resources

- The annual budget of the body: the initial annual budget of the PADC for 2025 amounted to BGN 4 317 300 (EUR 2 207 400).⁴¹⁰ The PADC's budget has been increasing steadily. From BGN 2 570 000 (EUR 1 285 000) in 2018,⁴¹¹ it reached BGN 2 784 000 (EUR 1 392 000) in 2019.⁴¹² In 2020, it was BGN 2 969 400 (EUR 1 484 700).⁴¹³ In 2021, it was BGN 3 174 000 (EUR 1 587 000).⁴¹⁴ In 2022, it was 3 288 100 (EUR 1 682 228).⁴¹⁵ In 2023 it was BGN 3 579 600 (EUR 1 830 220).⁴¹⁶ In 2024 it was BGN 3 629 900 (EUR 1 855 938).⁴¹⁷ In 2025 increased to BGN 5 032 300 (EUR 2 516 150).⁴¹⁸
- The share of the annual budget dedicated to the equality body mandate: 100 % of the annual budget is for the PADC, since it is an independent body with a standalone legal personality.
- The total number of staff of the body/bodies: The total number of PADC staff is 70.
- The number of staff dedicated to the equality body mandate: no information available.

7.5 Grounds and fields covered by the designated body

Under the law, the PADC deals with an open-ended list of grounds: sex, race, national origin, ethnicity, human genome, nationality, origin, religion or faith, education, beliefs, political affiliation, personal or social status, disability, age, sexual orientation, family status, property status or any other ground provided for by law or by international treaty to which Bulgaria is a party.⁴¹⁹ The mandate of the PADC encompasses all spheres of social relations (e.g. employment, access to goods and services, education, etc.).

The PADC acts on every admissible complaint or third-party motion, instituting proceedings and rendering a decision (it deals with inadmissible and irregular complaints by giving guidance as to how the document may be corrected). Therefore, the number of PADC proceedings and decisions dealing with a particular ground reflects the number of complaints or third-party motions filed on that ground.

There is no indication that the PADC has been using its powers to initiate proceedings *ex officio* or to bring court proceedings in such a way so as to compensate for potential under-reporting of cases on a particular ground. In fact, the PADC has never initiated court proceedings on any ground. It has also arguably underused its mandate to initiate *ex officio* proceedings, doing so according to no clear set of criteria, and arguably not proportionately

⁴¹⁰ State Budget Act 2025, Article 30(1).

⁴¹¹ State Budget Act 2018, Article 29.

⁴¹² State Budget Act 2019, Article 28.

⁴¹³ State Budget Act 2020.

⁴¹⁴ State Budget Act 2021.

⁴¹⁵ State Budget Act 2022, Article 30(1).

⁴¹⁶ State Budget Act 2023, Article 30(1).

⁴¹⁷ State Budget Act 2024, Article 30(1).

⁴¹⁸ PADC, *Годишен отчет за 2025 г.* (Annual report for 2025), available at: https://kzd-nondiscrimination.com/?page_id=14583, p. 127. For the performance of its core functions under the Protection against Discrimination Act the Commission for Protection against Discrimination (CPD) was allocated an expenditure budget of BGN 4 317 300 for 2025. During 2025, the Commission's budget was increased by BGN 715 000 pursuant to Council of Ministers Decree No. 152 of 7 August 2025 to cover compensation payments under the Labour Code. As a result, the Commission's total budget for 2025 amounted to BGN 5 032 300.

⁴¹⁹ PADA, Article 4(1).

in favour of the main vulnerable communities. It has clearly prioritised accessibility (disability) issues at the expense of other crucial issues, such as the segregation of Roma children in school. The PADC has not initiated its own proceedings in controversial cases seriously affecting highly vulnerable people, such as collective arbitrary forced evictions of Roma families. Even in cases where such proceedings have reportedly been initiated, they have not resulted in substantive findings and have been discontinued. It has not concerned itself with the failed implementation of the ECtHR's *Yordanova and Others* judgment. There does not appear to be any internal institutional mechanism in place to ensure that the PADC prioritises under-reported grounds by using its powers to conduct surveys and assist victims. Its victim assistance activities seem to respond to demand by proactive potential complainants coming forward to ask for such assistance, with little, it seems, being done to compensate for a lack of activity in disenfranchised communities, such as segregated and destitute Roma settlements.

7.6 Competences of the designated body– and their independent exercise

a) Independent assistance to victims

The PADC is competent under the law to provide independent assistance to victims in filing their complaints.⁴²⁰ The law does not specify the type of proceedings this provision refers to, i.e. whether PADC proceedings or court proceedings or both. However, the use of the word 'complaints' may be taken to suggest that the provision refers to PADC proceedings, as court proceedings would be initiated by a claim. The PADA does not specify what PADC assistance to victims shall entail. While the PADC has powers under the PADA to collect evidence *ex officio*, including in proceedings brought by complainants,⁴²¹ the law does not define those powers as assistance to victims. In addition, the PADA provision on victim assistance specifies that assistance relates to the filing of a complaint, arguably not extending beyond filing a complaint.

According to the PADC's own regulations, its Administrative and Legal Services Directorate shall provide independent legal consultations to victims.⁴²² The regulations do not specify what that assistance entails. Under these regulations, the PADC's 'regional representatives' provide 'methodical' help (probable intended meaning, 'methodological') and independent consultations to 'citizens and natural persons' regarding the PADA.⁴²³ The regulations do not specify what the help and consultations entail. The PADC has stated that it assists complainants by explaining what the PADC's powers are, how its proceedings are structured, what a complaint must look like in order to be admissible, how an irregular complaint should be amended, what proof must be provided, etc. Regional representatives help locally-based parties obtain copies of documents in their cases (heard by the PADC in the capital city), inspect collected evidence, enquire about the stage proceedings have reached. Victims are given an opportunity to inspect case files, including collected evidence, in the PADC regional offices, sparing them the cost of travelling to the PADC central office in Sofia where PADC proceedings take place.

Regional representatives provide advice to people at the PADC regional offices in regional capital cities, during on-site consultations in municipalities or in individual's homes by prior appointment (for persons with disabilities).⁴²⁴ The PADC regional representatives are said to be available for the range of questions interested parties might have about using PADA remedies. Under the PADA, PADC proceedings are tax-free, and the losing party bears no

⁴²⁰ PADA, Article 47(9).

⁴²¹ PADA, Articles 55-57.

⁴²² Regulations on the Structure and Activities of the Protection Against Discrimination Commission, Article 20(1.1).

⁴²³ Regulations on the Structure and Activities of the Protection Against Discrimination Commission, Article 23(2.1).

⁴²⁴ Regulations on the Structure and Activities of the Protection Against Discrimination Commission, Article 23(2)(1).

procedural expenses.⁴²⁵ The PADC relies on this as an aspect of victim assistance. However, in court proceedings for judicial review of PADC decisions, the PADC as a matter of course claims, and is awarded, court expenses against the losing party, including complainants (victims).

In 2024, more than 1 700 citizens are reported to have been consulted (in offices, by phone or by e-mail).⁴²⁶ The number for 2025 was over 1 800.⁴²⁷

In terms of effectiveness, there appears to be no mechanism in place to evaluate the quality of victim advice and assistance provided by the PADC. The PADC provided no information on this when asked by the author of previous editions of this report. It is also unclear how the numbers of PADC-reported victim consultations correlate to the demand for victim assistance. It is also unclear what is done to assist victims, other than persons with disabilities, who are deterred from seeking assistance due to social isolation. PADC claims of outreach being done are not specific and no statistics are available.

b) Independent surveys and reports

The PADC does have the competence to conduct independent surveys and publish independent reports. The law expressly provides for this.⁴²⁸

In the PADC's practice, publishing reports has largely been taken to mean publishing the PADC's annual activity reports to Parliament. Those reports have not contained information resulting from any surveys of discrimination since 2009.

The PADC participated in the working groups for the development of the National Strategy of the Republic of Bulgaria for Roma Equality, Inclusion and Participation 2021-2030 and the Action Plan for 2024-2027, and submitted opinions.

The PADC is one of the institutions responsible for implementing Priority No. 5 of the National Strategy of the Republic of Bulgaria for Roma Equality, Inclusion and Participation 2021-2030, alongside various ministries and regional and municipal administrations. More specifically, according to the National Action Plan 2024-2027 for the implementation of the National Strategy,⁴²⁹ the PADC is committed to the implementation of six activities: awareness-raising and information campaigns aimed at increasing sensitivity towards and intolerance of manifestations of discrimination; drafting and publication of manuals on combating discrimination; information and awareness-raising seminars within the education system on issues of equality and non-discrimination of children from vulnerable groups, including those of Roma ethnic origin; development and delivery of lectures related to equality in the education system concerning children from vulnerable groups, including those of Roma ethnic origin; conducting research on the situation of discrimination affecting the Roma population in relation to housing policy, levels of poverty, social protection and social isolation; conducting research on access to education and employment of the Roma population.

As of 2025, the PADC has not adopted an individual strategy, or strategies, on specific aspects of its mandate.

⁴²⁵ PADA, Article 52.

⁴²⁶ PADC, *Годишен отчет за 2024 г.* (Annual report for 2024), available at: https://www.parliament.bg/pub/plenary_documents/51-520-00-17_.pdf.

⁴²⁷ PADC, *Годишен отчет за 2025 г.* (Annual report for 2025), available at: https://kzd-nondiscrimination.com/?page_id=14583.

⁴²⁸ PADA, Article 47(10-11).

⁴²⁹ See: <https://www.strategy.bg/PublicConsultations/View.aspx?lang=bg-BG&Id=6706>.

c) Recommendations

The PADC has the competence to make proposals and recommendations to state and municipal authorities for the suspension of discriminatory practices and for their abolition for violating the PADA or other equality law; submits statements on draft legislation regarding its compliance with anti-discrimination and recommendations; and publishes independent reports and makes recommendations of all matters in discrimination issues. The law expressly provides for this.⁴³⁰

In the PADC's practice, it primarily makes recommendations to public bodies (both central and local) within the framework of its proceedings, hearing cases of discrimination. Outside the context of its adjudicating role, the PADC provides 'opinions', possibly including recommendations, on draft legislation and policy within the framework of joint working groups with other public institutions.

While the PADC is relatively active in making recommendations, no data are available to reliably assess the effectiveness or scale of this activity, as substantive analysis is needed to establish the number of cases where a recommendation was warranted but was not made, in order then to compare this with the number of cases where a recommendation was actually made. There is also no data on the rate of implementation of PADC recommendations or on its policy and practice on securing implementation. It is unclear what the PADC does if bodies ignore its recommendations.

In terms of independence, there are no reliable data to assess whether the PADC's decisions about whether or not to make a recommendation, and what to recommend and to whom, are possibly affected by internalised dependence resulting from members' and employees' inadequate personal integrity or professional qualifications, non-transparent selection procedures or budget constraints.

On the other hand, under settled case law, the PADC recommendations as such are not subject to appeal, as the Supreme Administrative Court considers that they have no legal consequences on the parties receiving these recommendations.⁴³¹

d) Prevention, promotion and awareness-raising

The PADC has the competence in the prevention of discrimination and in the promotion of equal treatment,⁴³² and to communicate with individuals and groups at risk of discrimination.⁴³³ There are no publicly available analyses of whether the PADC is exercising these competencies effectively and what their impact is. However, the 2025 annual report⁴³⁴ includes information about preventive and awareness-raising activities by the PADC in 2025, including the permanent campaigns Accessible Bulgaria (promoting accessibility for persons with disabilities) and Employer without Discrimination (encouraging inclusive workplace standards). In 2025, the Commission also implemented an EU-funded project on improving prevention in the labour market through modernisation and institutional strengthening, which included staff training, public information campaigns and the launch of a new website with electronic complaint filing and a register of decisions. Through its regional network, the Commission organised reception days, consultations and outreach activities.

⁴³⁰ PADA, Article 47(6), 47(8) and 47(11).

⁴³¹ For instance, SAC, Decision No. 5302 of 24 April 2018 in Case No. 11143/2016.

⁴³² PADA, Article 40(1).

⁴³³ PADA, Article 47(12).

⁴³⁴ PADC, *Годишен отчет за 2025 г.* (Annual report for 2025), available at https://kzd-nondiscrimination.com/?page_id=14583.

e) Other competences

The PADC is first and foremost a quasi-judicial body, hearing, investigating and deciding cases of discrimination, and imposing penalties and injunctions.⁴³⁵ It is also competent to take and join court cases.⁴³⁶ The PADC is further competent to provide non-binding opinions on draft legislation and policy,⁴³⁷ keep a public register of its decisions and injunctions,⁴³⁸ inform the public of equality law provisions⁴³⁹ and undertake other activities as stipulated under its own regulations.⁴⁴⁰

7.7 Legal standing of the designated body

In Bulgaria, the designated body has legal standing to:

- bring discrimination complaints on behalf of identified victims to court;
- bring discrimination complaints on behalf of non-identified victims to court – possibly, subject to judicial interpretation;
- bring discrimination complaints *ex officio* to court – possibly, subject to judicial interpretation;
- intervene in legal cases concerning discrimination, for example, as an *amicus curiae*.⁴⁴¹

In practice, however, the PADC has not been using these powers and they remain nominal. The reasons for this possibly include a lack of resources, financial and human, as PADC members and staff are occupied with producing their own case law and defending their decisions before two instances of administrative courts charged with judicial review.

7.8 Dispute resolution

a) Quasi-judicial functions

In Bulgaria, the PADC is a quasi-judicial institution.⁴⁴² Its decisions are binding.

i. Power to impose sanctions

It has power to impose fines (no compensation), as well as to issue remedial and preventive injunctions.

ii. Nature and level of sanctions that can be imposed

Arguably, the levels of monetary sanctions provided for under the law are not sufficient to deter companies other than non-profit organisations or small businesses.⁴⁴³

iii. Possibility to appeal

PADC decisions are subject to judicial review by the administrative courts and the Supreme Administrative Court.

⁴³⁵ PADA, Article 47(1-4).

⁴³⁶ PADA, Article 47(5).

⁴³⁷ PADA, Article 47(8).

⁴³⁸ PADA, Article 47(7).

⁴³⁹ PADA, Article 47(12).

⁴⁴⁰ PADA, Article 47(13).

⁴⁴¹ PADA, Article 47(5): '[The PADC] shall appeal against administrative acts in breach of this or other laws governing equal treatment, and shall bring claims before the court, and join, as an interested party, lawsuits brought under this or other laws governing equal treatment.'

⁴⁴² PADA, Articles 65 and 69

⁴⁴³ Under Article 78(1) of the PADA, the maximum fine for a breach of equality law is BGN 2 000 (EUR 1 000).

iv. Enforcement of binding decisions

The PADC does not publish representative data on its practices of following up on the implementation of its decisions. There are no statistics on the implementation rates of its decisions. In its annual reports to Parliament, the PADC only publishes 'examples' of cases where it took some action to secure implementation and the concerned party either implemented or did not implement the respective decision. In its 2024 report,⁴⁴⁴ the PADC gives 18 examples of decisions that have been implemented. In some of the examples reported, when a PADC decision in a case enters into force, the PADC sends out an invitation to the concerned party to implement the decision voluntarily.⁴⁴⁵ In the report for 2025,⁴⁴⁶ the PADC gives 21 examples of decisions that have been implemented. In 2025 PADC sent out more than 20 invitations to concerned parties to implement its decisions voluntarily.⁴⁴⁷ Respondent parties reported the installation of ramps, lifts, handrails and accessible sanitary facilities, as well as broader reconstruction and renovation works to ensure accessibility in schools, public institutions and municipal buildings. In several cases, compliance was demonstrated through photographs, official documents, payment orders or evidence of completed construction works. Other reported measures included the adoption of internal anti-discrimination rules and organisational measures, publication of the PADA, payment of compensation or sanctions and amendments to discriminatory terminology in public transport signage. Some respondents also reported ongoing or planned measures, including applications for funding and procurement procedures aimed at ensuring future compliance.⁴⁴⁸

The overwhelming majority of the reported cases concerned persons with disabilities, in particular issues relating to the accessibility of the built environment and access to public services. Several cases also concerned equal access to banking services for persons with disabilities and the use of appropriate terminology when referring to persons with disabilities. Only a limited number of cases were unrelated to disability, including cases concerning employment-related discrimination or payment of remuneration.

In 2024, the PADC reported⁴⁴⁹ collection of fines amounting to BGN 11 000 (EUR 5 500). The amount of fines collected for 2025 is BGN 9 900 (EUR 4 500).⁴⁵⁰ In 2025 the PADC furthermore received 30 written notices of measures implemented by respondents in execution of PADC injunctions.

As there are no statistical data on the rates of implementation of PADC decisions, it is unclear whether or to what extent its decisions are respected in practice, nor what kind of measures the PDAC takes if the decisions are not implemented.

v. Implementation of non-binding opinions

Non-binding opinions have included recommendations, for instance, to amend discriminatory (secondary) legislation and internal regulations or administrative practice,

⁴⁴⁴ PADC, *Годишен отчет за 2024 г.* (Annual report for 2024), available at: https://www.parliament.bg/pub/plenary_documents/51-520-00-17_.pdf, pp. 124-128.

⁴⁴⁵ PADC, *Годишен отчет за 2024 г.* (Annual report for 2024), available at: https://www.parliament.bg/pub/plenary_documents/51-520-00-17_.pdf, p. 124.

⁴⁴⁶ PADC, *Годишен отчет за 2025 г.* (Annual report for 2025), available at https://kzd-nondiscrimination.com/?page_id=14583, pp. 77-79.

⁴⁴⁷ PADC, *Годишен отчет за 2025 г.* (Annual report for 2025), available at https://kzd-nondiscrimination.com/?page_id=14583, pp. 77.

⁴⁴⁸ PADC, *Годишен отчет за 2025 г.* (Annual report for 2025), available at https://kzd-nondiscrimination.com/?page_id=14583, pp. 77-79.

⁴⁴⁹ PADC, *Годишен отчет за 2024 г.* (Annual report for 2024), available at: https://www.parliament.bg/pub/plenary_documents/51-520-00-17_.pdf, p. 124.

⁴⁵⁰ PADC, *Годишен отчет за 2025 г.* (Annual report for 2025), available at https://kzd-nondiscrimination.com/?page_id=14583, p. 127.

including architectural environments. According to its 2024 report, the PADC issued 63 non-binding opinions.⁴⁵¹ For 2025 the number was 83.⁴⁵²

The parts of the PADC decisions containing non-binding opinions become final on the decisions being delivered.

b) Amicable settlements

In Bulgaria, the PADC has the competence to offer the parties to a discrimination complaint the possibility to seek an amicable resolution to their dispute. The process is led by the PADC itself. According to the PADA, the chair of the panel invites the parties to the proceedings to reach an amicable settlement. Should the parties agree to that, the chair of the panel appoints a hearing for amicable settlement proceedings.⁴⁵³ If, in the latter proceedings, a settlement is achieved, the PADC issues a decision approving the settlement and closes the case.⁴⁵⁴ This decision of the PADC is final.⁴⁵⁵

In an *actio popularis* case brought against COVID-19 measures targeted at the Roma neighbourhood in a Bulgarian town, the PADC held that the measures consisting of aerial (by helicopter) and ground disinfection activities carried out exclusively in a Roma-populated area amounted to direct discrimination on the grounds of ethnic affiliation. In the course of those proceedings, one of the defendants (the Regional Health Inspectorate) had reached an amicable settlement with the applicant and had admitted that the impugned actions were discriminatory, thus the case was resolved vis-à-vis that party. However, the administrative court⁴⁵⁶ ultimately repealed the PADC decision vis-à-vis the other defendant (the relevant municipality) and held that there had been no discrimination and harassment on the grounds of ethnic affiliation. In 2023, the SAC upheld that decision.⁴⁵⁷

7.9 Procedural safeguards

Procedural safeguards do exist in respect of the way in which the PADC exercises its powers. The PADC's decisions in all cases (except the decisions approving amicable settlements) are subject to judicial review in two instances before the administrative courts and the SAC. Both the procedural and substantial aspects of the PADC's decisions are subject to judicial review. There are no specific safeguards to avoid, for instance, bias in cases where the PADC staff first provides assistance to a victim and then adjudicates the case brought by that same victim. The general safeguard that would address this issue is the judicial review of the PADC's decisions.

7.10 Data collection by the designated body

a) Registration of complaints and decisions

In Bulgaria, the body does register the number of complaints of discrimination made and decisions issued. However, it does not methodically break the data down by ground, field, type of discrimination, etc. For instance, in the PADC's annual report for 2025, the data are only broken down by specialised panel (each dealing with more than one ground) and not by specific ground, field, form of discrimination or other criteria. These incomplete PADC statistics are available to the public.

⁴⁵¹ PADC, *Годишен отчет за 2024 г.* (Annual report for 2024), available at:

https://www.parliament.bg/pub/plenary_documents/51-520-00-17_.pdf, p. 123.

⁴⁵² PADC, *Годишен отчет за 2025 г.* (Annual report for 2025), available at https://kzd-nondiscrimination.com/?page_id=14583, p. 77.

⁴⁵³ PADA, Article 62(1).

⁴⁵⁴ PADA, Article 62(2).

⁴⁵⁵ PADA, Article 62(2) in conjunction with Article 69(3).

⁴⁵⁶ Administrative Court Yambol, Decision No. 94 of 18 May 2022 in Case No. 91/2022.

⁴⁵⁷ SAC, Decision No. 1013 of 31 January 2023 in Case No. 5811/2022.

The PADC produces statistics concerning its own caseload, as part of its annual report addressed to Parliament. Although there is no such requirement under the law, the PADC publishes its annual reports on its website only after Parliament approves them. Parliament can, in practice, delay this indefinitely. Considerable delays occurred in 2012-2014. The PADC statistics are only partially, and not exhaustively, ground-, and field-disaggregated. Disaggregation is carried out by the PADC panel dealing with a set of protected grounds (not one protected ground). The PADC panel's report on their docket not following a standardised, exhaustive template. In some instances, case numbers pertaining to individual grounds are reported, in others this is not the case. For the purposes of its records, the PADC treats 'exercise of labour rights' not as a field, but as a protected ground, thwarting adequate field disaggregation.

In 2025, the PADC received 919 complaints and instituted 482 proceedings.⁴⁵⁸ For comparison in 2024, the PADC received 435 complaints and instituted 180 proceedings.⁴⁵⁹ In 2024, the PADC initiated *ex officio* proceedings on 153 occasions and rendered 370 decisions in total, 252 of which entered into force (250 were not appealed by the parties).⁴⁶⁰ In 2025 there were nine reports for *ex officio* initiated proceedings, the overall number of decisions rendered was 408, 327 of which entered into force (307 were not appealed by the parties).⁴⁶¹

b) Equality data collection

In Bulgaria, the PADC does not collect general equality data, or at least it is not available to the public.

The PADC may request data from private persons, state and local authorities, which are obliged to provide the requested data and information, but only in connection with a specific case pending before the PADC.⁴⁶² The existence of commercial or other secrets protected by the law cannot justify a refusal for provision of the requested information.⁴⁶³ When there is a reason for access to classified information, it is provided in accordance with the Protection of Classified Information Act.⁴⁶⁴

7.11 Roma and Travellers

The PADC does not treat Roma as a priority. It has stated that it does not have designated, additional funding to treat Roma as a priority.⁴⁶⁵ The PADC reports that most Roma-based complaints it deals with concern hate speech in the media, which in practice means that most of these motions are brought by Roma rights activists in the public interest as opposed to direct victims of practical discrimination (less favourable treatment in healthcare, education, social services, etc.).

⁴⁵⁸ PADC, *Годишен отчет за 2025 г.* (Annual report for 2025), available at https://kzd-nondiscrimination.com/?page_id=14583, p. 123.

⁴⁵⁹ PADC, *Годишен отчет за 2024 г.* (Annual report for 2024), available at: https://www.parliament.bg/pub/plenary_documents/51-520-00-17_.pdf, p.p. 206 - 207.

⁴⁶⁰ PADC, *Годишен отчет за 2024 г.* (Annual report for 2024), available at: https://www.parliament.bg/pub/plenary_documents/51-520-00-17_.pdf p. 206, p. 118.

⁴⁶¹ PADC, *Годишен отчет за 2025 г.* (Annual report for 2025), available at https://kzd-nondiscrimination.com/?page_id=14583, p. 123.

⁴⁶² PADA, Article 55(2).

⁴⁶³ PADA, Article 55(3).

⁴⁶⁴ PADA, Article 55(4).

⁴⁶⁵ PADC, *Годишен отчет за 2016 г.* (Annual report for 2016), available at: https://kzd-nondiscrimination.com/?page_id=14583, p. 135.

8 IMPLEMENTATION ISSUES

8.1 Dissemination of information, dialogue with NGOs and between social partners

- a) Dissemination of information about legal protection against discrimination (Article 10 Directive 2000/43 and Article 12 Directive 2000/78)

Information dissemination by Bulgaria has been limited, with only the PADC taking such action. It has consisted of arguably superficial and insufficient general awareness-raising measures, briefing journalists on PADC pending cases and hearings, the numbers of complaints and third-party motions, the prevalence of certain protected grounds or fields, the number of decisions, including precedents and the possibilities for individuals to be assisted centrally and regionally.

There has been insufficient or no community outreach, with groups such as the Roma and people with sensory impairments remaining isolated from the dissemination.

- b) Measures to encourage dialogue with NGOs with a view to promoting the principle of equal treatment (Article 12 Directive 2000/43 and Article 14 Directive 2000/78)

The PADC has not involved NGOs in cooperation or dialogue in any inclusive or meaningful way. There is no mechanism for NGOs to provide the PADC with their input on the law or practice, other than joining individual cases in an 'interested party' capacity (with discretionary permission from the PADC). The PADC has not engaged important, if any, NGOs in consultations regarding amendments to the legislation it has reportedly initiated.

- c) Measures to promote dialogue between social partners to give effect to the principle of equal treatment within workplace practices, codes of practice and workforce monitoring (Article 11 Directive 2000/43 and Article 13 Directive 2000/78)

No such action is on record.

- d) Addressing the situation of Roma and Travellers

The National Council for Cooperation on Ethnic and Integrational Issues within the Government is the body charged with coordinating and controlling the implementation of the National Strategy of the Republic of Bulgaria for Equality, Integration and Participation of the Roma (2021-2030).⁴⁶⁶ This body is not dedicated to the Roma exclusively. Within it, there is a Commission for Roma Integration.

8.2 Measures to ensure compliance with the principle of equal treatment (Article 14 Directive 2000/43, Article 16 Directive 2000/78)

- a) Compliance of national legislation (Articles 14(a) and 16(a))

Bulgaria has not taken the necessary measures to ensure that any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished.

According to general legal principles, the PADA, as *lex specialis*/more recent/primary law, should override general, older and secondary legislation that conflicts with it. In practice, this depends on judicial interpretation. There is no special mechanism to ensure that existing discriminatory norms are set aside, other than litigation before the courts or the PADC.

⁴⁶⁶ Available at: https://iisda.government.bg/ras/executive_power/council/222.

According to the PADA, all public authorities, including local government, are required to respect the aim of not allowing any direct or indirect discrimination when drafting legislation, as well as when applying it.⁴⁶⁷ This mainstreaming duty complements the general duty under the PADA for all public authorities to take all possible and necessary measures to achieve the aims of PADA.⁴⁶⁸ Formally, this provides a sufficient legal basis for bodies to revise any legislation that contradicts the PADA. In practice, this has not been done. A failure to do so could be challenged before the PADC on general non-implementation grounds under the PADA, there being no special provision on sanctions referring to this particular duty. The PADC could then, under the PADA, make a declaration and impose a sanction and also issue an instruction or recommendation for implementation.

The SAC has held that a university had discretion to adopt a rule limiting access to applying for certain academic jobs on grounds of age (maximum age requirements) and the complainant's treatment (he was not considered as an applicant because of being older) could not constitute discrimination as it was not personal, but provided for under a general rule.⁴⁶⁹ On the other hand, the same court has established as its settled case law, following *Petya Milkova* (Case C-406/15), that the (administrative) courts must set aside legislation depriving civil servants with disabilities of the advance protection against dismissal that employees enjoy and, by implication therefore, any legislation conflicting with EU equality rights.⁴⁷⁰ Other examples of case law accepting that legal norms can be declared discriminatory in PADA proceedings include a case where the PADC held that a piece of secondary legislation was indirectly discriminatory as it did not provide for extramural studies in law;⁴⁷¹ and a number of cases where the SAC declared secondary legislation excluding certain categories of patients from fully-funded treatment for their diseases discriminatory,⁴⁷² as well as other secondary legislation in breach of disability equality rights.⁴⁷³

The case law from recent years was contradictory in terms of whether the PADC or the courts could declare a legal norm discriminatory in PADA proceedings. For instance, the SAC and the SCC quite positively jointly held that every administrative act, including a piece of secondary legislation, is unlawful if it is discriminatory, and a discriminatory administrative act gives rise to standing to claim protection before the administrative court, including for damages resulting from the said act.⁴⁷⁴ The SCC separately ruled that, to find discrimination, established inequality was relevant, regardless of whether it was according to legal norms as the PADA aims at finding and sanctioning all inequality.⁴⁷⁵ The Varna Regional Court ruled similarly.⁴⁷⁶ However, in at least two other cases, the SAC held that the impugned treatment could not be discriminatory as it was based on the applicable law.⁴⁷⁷

In 2025, no decisions are on record (relevant to the protected grounds covered by this report) that contradict the PADA's applicability to legislation.

In 2022, the SAC upheld a decision by the lower court annulling secondary legislation (a

⁴⁶⁷ PADA, Article 6(2).

⁴⁶⁸ PADA, Article 10.

⁴⁶⁹ SAC, Decision No. 4159 of 30 March 2018 in Case No. 4591/2016.

⁴⁷⁰ See, *inter alia*, SAC, Decision No. 4151 of 30 March 2018 in Case No. 494/2015, Decision No. 6558 of 17 May 2018 in Case No. 12550/2017.

⁴⁷¹ PADC, Decision No. 144 of 28 March 2018 in Case No. 28/2018.

⁴⁷² SAC, Decision No. 363 of 10 January 2018 in Case No. 9234/2016, Decision No. 2138 of 16 February 2018 in Case No. 13552/2016, Decision No. 5302 of 24 April 2018 in Case No. 11143/2016, and more – see section on 'Case law' below.

⁴⁷³ SAC, Decision No. 7706 of 11 May 2018 in Case No. 4602/2018.

⁴⁷⁴ SAC and SCC, joint Ruling No. 28 of 2 April 2019 in Case No. 5A/2019.

⁴⁷⁵ SCC, Ruling No. 424 of 31 May 2019 in Case No. 919/2019.

⁴⁷⁶ VRC, Decision No. 1486 of 11 December 2019 in Case No. 1872/2019.

⁴⁷⁷ SAC, Decision No. 6946 of 9 May 2019 in Case No. 8352/2017, Decision No. 8325 of 4 June 2019 in Case No. 45/2019.

municipal council regulation) on the procedure and conditions for granting lump-sum financial aid to encourage birth rates in a certain municipality in Bulgaria. That court confirmed that the disputed provisions introduced discriminatory requirements for persons enjoying the right to a lump-sum birth grant on the grounds of education (applicants had to have a completed secondary education) and age (applicants had to be at least 18 years old).

b) Compliance of other rules/clauses (Articles 14(b) and 16(b))

Bulgaria has not taken the necessary measures to ensure compliance with Article 14(b) of Directive 2000/43 and Article 16(b) of Directive 2000/78 – ensuring that contracts, collective agreements, internal rules of businesses and the rules governing independent occupations, professions, workers' associations or employers' associations that are contrary to the principle of equal treatment are, or may be, declared null and void or are amended.

Legal action would have to be taken in each individual case in which such rules/clauses contradict the PADA in order to have the court declare them null and void, or otherwise unlawful (but not amend them – that would have to be done by the party or parties that adopted them in the first place).

9 COORDINATION AT NATIONAL LEVEL

9.1 Coordination at the governmental level

A number of structures exist within the executive with mandates to promote and/or implement equality. Some are public bodies, and some are joint governmental-civil society consultative councils. The latter make no decisions but are meant to inform decision-making processes. Some of the bodies are specialised in one or more grounds in one or more fields, while others cover all grounds in specific fields. The relationships between the various authorities' mandates are not clear and there is overlap. Their relevance for the implementation of the directives is limited at best. They are mentioned here for exhaustiveness.

Within the Council of Ministers (the Government), the National Council for Cooperation on Ethnic and Integrational Issues (NCCEII) is a consultative body with a mandate to assist with governmental policy on minorities and to coordinate between the Government and NGOs representing minorities.⁴⁷⁸ The NCCEII is comprised of senior public officials and ethnic minority NGO representatives. Its tasks include promoting ethnic equality and raising awareness on discrimination.⁴⁷⁹ The NCCEII coordinates the implementation and carries out ongoing monitoring regarding the National Strategy of the Republic of Bulgaria for Roma Equality, Integration and Participation (2021-2030) and the action plan for the strategy's implementation.⁴⁸⁰ At regional level, there are 27 councils on ethnic and integration issues; these are local versions of the NCCEII. They are comprised of regional and local government representatives, regional communal services suppliers, NGOs and municipal 'ethnic issues' experts. Similar consultative councils also exist at municipal level.

Under the Minister of Education, there is a Centre for Educational Integration of Children and Students from Ethnic Minorities. Its task is to assist the Ministry of Education in implementing educational integration of minority students.⁴⁸¹ It develops and funds projects promoting equal access to education for ethnic minority students.⁴⁸² It fundraises from donor institutions and receives a subsidy from the Ministry of Education's budget.⁴⁸³

Under the PDA, a Monitoring Council has been established, comprised of nine members, to observe and report on compliance with the CRPD. It includes representatives of the Ombudsman; the PADC; organisations of, and for, persons with disabilities; and academia. Another consultative body, the National Council for People with Disabilities, has been established within the Council of Ministers. Its members represent the state; organisations of, and for, persons with disabilities; employees' organisations; employers' organisations; and municipalities. Its role is to be a vehicle for cooperation and coordination in formulating disability rights policy. In particular, it is competent to give opinions on draft legislation and strategic programming and plans.

The Agency for People with Disabilities, an executive body within the Ministry of Labour and Social Policy (MLSP), takes part in coordinating the policy on the rights of persons with disabilities, and is charged with specific duties, such as maintaining a database of persons with disabilities.⁴⁸⁴

⁴⁷⁸ Regulations on the Structure and Activities of the National Council for Cooperation on Ethnic and Integration Issues (*Правилник за устройството и дейността на националния съвет за сътрудничество по етническите и интеграционните въпроси към министерския съвет*), Article 1, available (in Bulgarian), at: www.lex.bg/laws/ldoc/2135541318.

⁴⁷⁹ Regulations on the Structure and Activities of the National Council for Cooperation on Ethnic and Integration Issues, Article 2, available at: www.lex.bg/laws/ldoc/2135541318.

⁴⁸⁰ See: https://iisda.government.bg/ras/executive_power/council/222 (in Bulgarian).

⁴⁸¹ Decree N 4 of the Council of Ministers of 11 January 2005 establishing the CEICSEM, Article 1.

⁴⁸² Decree N 4 of the Council of Ministers of 11 January 2005, Article 2.

⁴⁸³ Decree N 4 of the Council of Ministers of 11 January 2005, Article 9.

⁴⁸⁴ PDA, Article 10(3).

Within the MLSP, the Policy for People with Disabilities, Equal Opportunities and Social Assistance Directorate develops policy and programmes for vulnerable groups.⁴⁸⁵ At the MLSP, there is also a Social Inclusion Directorate.⁴⁸⁶

There is no governmental structure to deal with sexual orientation policy. There is also no department dealing with equality and non-discrimination issues relating to religion/belief. There have been no social movements to address this situation. There is no information about any advocates demanding that such structures be created.

9.2 National Strategies and action plans

There is no comprehensive national action plan on anti-racism, antisemitism or anti-discrimination. In 2025, Bulgaria did not adopt a national action plan on LGBTIQ+ equality, nor did it take any steps towards developing such a plan, despite the call in the EU LGBTIQ+ Equality Strategy 2026–2030 (COM(2025) 725 final, p. 16) for Member States to adopt such plans by 2027.

The National Strategy for Persons with Disabilities 2021-2030⁴⁸⁷ and the Action Plan for the Implementation of the National Strategy were adopted by a decision of the Council of Ministers.⁴⁸⁸ The National Strategy is a strategic document, the implementation of which is meant to contribute to creating better conditions and opportunities for the persons with disabilities to exercise their rights and participate on an equal basis in the different spheres of public life. There is no information available in order to confirm whether the NGO sector has participated in the drafting of the strategy or not (and if yes, which specific NGOs have participated).

The National Strategy of the Republic of Bulgaria for Roma Equality, Inclusion and Participation 2021-2030⁴⁸⁹ is a framework document that sets out guidelines for the implementation of policies for socio-economic inclusion and participation of Roma. The Action Plan for 2024-2027 is the main tool for implementation at the operational level of the National Strategy. In the Guiding Principles and Horizontal Objectives for the Implementation of the Strategy it is pointed out that the principles take into account the needs and situation of Roma women. In the Rule of Law and Anti-Discrimination Section it is emphasised that Roma children and women face various forms of discrimination, including multiple discrimination, trafficking in human beings, marriages of minors and forced marriages. There is separate chapter in the Strategy on Empowerment and Equal Opportunities of the Roma Women. The concept of intersectional discrimination is not explicitly included in the Strategy.

⁴⁸⁵ Information on the Ministry of Labour and Social Policy's website, available (in Bulgarian) at: www.mlsp.government.bg/index.php?section=POLICIES&lang=eng&I=306.

⁴⁸⁶ Administrative Registry, State Administration Information System, available (in Bulgarian) at: http://iisda.government.bg/ras/executive_power/ministry_organigram/87?verId=181203000000038001.

⁴⁸⁷ Link to the portal for public consultations on the strategy: <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1342>.

⁴⁸⁸ Decision No. 957 of 23 December 2020 of the Council of Ministers, available (in Bulgarian) at: <https://www.strategy.bg/StrategicDocuments/View.aspx?lang=bg-BG&Id=1342>.

⁴⁸⁹ See: https://commission.europa.eu/system/files/2021-12/national_strategy-english_google.docx.pdf.

10 CURRENT BEST PRACTICES

Since 2018, the PADC has been operating its self-initiated 'Accessible Bulgaria' campaign, monitoring the physical accessibility of public and commercial places by means of *ex officio* inspections and encouraging email and telephone inaccessibility reports by any party. In 2024, the PADC delivered 67 decisions finding and/or sanctioning discrimination within the framework of the campaign 'Accessible Bulgaria'⁴⁹⁰. A total of 60 decisions became final and seven decisions were appealed before the administrative courts.⁴⁹¹ The PADC has been rewarding accessible places by giving them visibility in the media, awarding them accessibility certificates and promoting their practices with the support of domestic celebrities.

The above good practices remain relevant in 2025.

There are no good practices to report in relation to combatting discrimination stemming from the use of AI systems.

⁴⁹⁰ PADC, *Годишен отчет за 2024 г.* (Annual report for 2024), available at: https://www.parliament.bg/pub/plenary_documents/51-520-00-17_.pdf, p. 206, p. 118.

⁴⁹¹ PADC, *Годишен отчет за 2024 г.* (Annual report for 2024), available at: https://www.parliament.bg/pub/plenary_documents/51-520-00-17_.pdf, p. 206, p. 118.

11 SENSITIVE OR CONTROVERSIAL ISSUES⁴⁹²

11.1 Potential breaches of the directives at the national level

Legislation

- The definition of incitement to discrimination in the PADA, including instructions to discriminate, expressly requires direct intent.
- The definition of racial segregation in the PADA expressly requires the state of separation to be 'compelled'.⁴⁹³ This is arguably in breach of the directives' definitions of direct discrimination, which have no 'compelled' element but instead outlaw any race-based less favourable treatment. The ECtHR has consistently held in Roma segregation cases that no waiver of the right to non-discrimination is possible.⁴⁹⁴ While opinions differ as to whether housing segregation is banned under the directive, it seems undisputed that segregation in education, including 'non-coercive' segregation, is banned. The issue being pointed out here is that, under the PADA, 'non-coercive' racial segregation is exempted in any field (including in the field of education), which is at variance with international discrimination law.
- The PADA defines indirect discrimination in an unclear, confusing way, thwarting implementation. The definition is not sufficiently clear to ensure consistent interpretation in line with EU law – it has instead resulted in contradictory case law (with some rulings demonstrating a correct approach to the concept, and others at variance with the directives).
- EU law provides for a duty to ensure that reasonable accommodation is available to job applicants, but Bulgarian law does not provide for such a duty.
- The 2024 amendments to the Pre-school and School Education Act raise serious concerns as to their compatibility with Directive 2000/78/EC. The Pre-school and School Education Act⁴⁹⁵ bans activities that involve: 'carrying out propaganda, promotion or incitement in any way, directly or indirectly, of ideas and views related to non-traditional sexual orientation and/or determination of gender identity other than biological'.⁴⁹⁶ Although no publicly known sanctions have so far been imposed specifically under this provision, the legislation is in force and may create a chilling effect on teachers and other education professionals, particularly those perceived as having a non-heterosexual orientation or those advocating equality, tolerance and non-discrimination, potentially leading to exclusion, marginalisation or discriminatory treatment in employment.

Case law

- In breach of the *Firma Feryn*⁴⁹⁷ principle that no actual individual victim is required for discrimination to be found, recent case law has required one:

In 2019, the two supreme courts – the SAC, the final instance court for reviewing PADC decisions, and the Supreme Court of Cassation, the final instance court for PADA civil court cases – ruled in cases of anti-Roma hate speech that, in order for harassment or incitement to discrimination to be found, the claimant needs to have been specifically targeted and affected by the impugned statements.⁴⁹⁸ 'Abstract' statements, targeting an unidentified

⁴⁹² The assessments and views expressed in both sections 11.1 and 11.2 reflect the author's opinion.

⁴⁹³ PADA, Additional Provision, paragraph 1(6).

⁴⁹⁴ For instance, *D.H. v. Czech Republic*, No. 57325/00, 13 November 2007; *Sampanis v. Greece*, No. 32526/05, 5 June 2008; *Oršuš v. Croatia* [GC], No. 15766/03, 16 March 2010.

⁴⁹⁵ Pre-School and School Education Act (Закон за предучилищното и училищното образование), the amendments of August 2024.

⁴⁹⁶ Pre-school and School Education Act, Article 11(2), point 3.

⁴⁹⁷ Judgment of 10 July 2008, *Centrum voor gelijkheid van kansen en voor racismebestrijding v. Firma Feryn NV*, C-54/07, EU:C:2008:155.

⁴⁹⁸ SCC, Decision No. 2 of 19 June 2019 in Case No. 3203/2018; Decision No. 819 of 29 November 2019 in Case No. 2596/2019; SAC, Decision No. 636 of 15 January 2019 in Case No. 7229/2018; SAC, Decision No. 14026 of 21 October 2019 in Case No. 12163/2018.

circle of persons, including a racial, ethnic or religious community, are not 'harassment' or any other form of discrimination. Discrimination requires a specific victim. Lower courts rendered similar decisions.⁴⁹⁹

In line with this restrictive 'specific victim' trend, in 2020, the SAC held that extremely offensive anti-Roma public statements by a Deputy Prime-Minister did not constitute harassment as they did not target a specific individual.⁵⁰⁰ The SAC took this position in a similar Roma negative stereotyping case against the Prosecutor General.⁵⁰¹

These decisions contravene the ECtHR's hate speech case law, including *Aksu v. Turkey*, which has recognised that negative group stereotyping is capable of violating individuals' Convention rights without targeting those individuals.⁵⁰²

- Breach of Article 2(1) of Directive 2000/43/EC and Article 2(1) of Directive 2000/78/EC prohibiting *all* discrimination, as well as Article 7(1) of Directive 2000/43/EC and Article 9(1) of Directive 2000/78/EC requiring protection for *all* victims. This involves A legal provision cannot constitute discrimination as it is not a concrete action or omission. The adoption of a legal provision is not a concrete action or omission either.⁵⁰³
- Misinterpretation of the due causality in cases where a protected ground played a causative part along with other reasons (mixed-reasons cases)
- The SAC has repeatedly breached the mixed reasons standard, holding that the reason for unequal treatment must 'in all cases be a protected ground'.⁵⁰⁴ The SCAC has copied that approach.⁵⁰⁵ In one case, the SAC held that age was 'only one of a series of criteria' for the impugned treatment, denying discrimination on this basis, among other reasons.⁵⁰⁶
- Misinterpretation of the lacking requirement for intent in cases where unconscious bias was at play or other perceived motives for the impugned behaviour – the 'no intent required' standard
- In cases concerning various grounds, the SAC and the SCC, as well as lower courts, have held that in order for discrimination to be found, different treatment had to be 'conscious'.⁵⁰⁷ See section 2.4 a) for further detail.
- Breach of the directives' definitions of direct discrimination, which include hypothetical less favourable treatment and comparisons with hypothetical persons (hypothetical comparator).

⁴⁹⁹ SCAC, Decision No. 4590 of 3 July 2019 in Case No. 4299/2019 – a case concerning an anti-Roma newspaper publication.

⁵⁰⁰ SAC, Decision No. 13471 of 29 October 2020 in Case No. 8595/2020.

⁵⁰¹ SAC, Decision No. 5610 of 14 May 2020 in Case No. 14676/2019.

⁵⁰² See also: *Behar and Gutman* and *Budinova and Chaprazov*, judgments of 16 February 2021. The Court found that the domestic courts had breached their positive duties to protect victims of general hate speech against ethnic minorities, which had targeted no specific individual.

⁵⁰³ SAC, Decision No. 15637 of 19 December 2014 in Case No. 1925/2014. The case concerned the application of an age bar under secondary legislation.

⁵⁰⁴ SAC, Decision No. 6577 of 7 May 2019 in Case No. 10380/2017, Decision No. 6946 of 9 May 2019 in Case No. 8352/2017, Decision No. 14026 of 21 October 2019 in Case No. 12163/2018.

⁵⁰⁵ SCAC, Decision No. 8325 of 20 December 2019 in Case No. 11063/2019, Decision No. 4590 of 3 July 2019 in Case No. 4299/2019.

⁵⁰⁶ SAC, Decision No. 12865 of 1 October 2019 in Case No. 5114/2018.

⁵⁰⁷ See, *inter alia*, SAC, Decision No. 1429 of 16 February 2022 in Case No. 6858/2021, Decision No. 2866 of 25 March 2022 in Case No. 5304/2021; Sofia City Court, Decision No. 262927 of 12 September 2022 in Case No. 13041/2020; Varna Administrative Court, Decision No. 167 of 17 February 2022 in Case No. 2515/2021.

- The SAC has held that hypothetical unequal treatment was excluded from the concept of discrimination.⁵⁰⁸ Additionally, in another case, the SAC has held that a specific person treated more favourably had to be established.⁵⁰⁹
- Breach of the directives' definitions of direct discrimination, which imply a comparison with a similarly situated person who differs in terms of protected ground.
- The SAC has long-standing problematic case law that, in cases of dismissals based on employees'/civil servants' having become entitled to an old age and seniority pension, dismissed persons should be compared with others in the same group, i.e. those with acquired pension rights (as opposed to those without such entitlements, i.e. different age/seniority groups).⁵¹⁰
- Breach of the directives' burden of proof rule

The PADC and the courts are still struggling with the rule on shifting the burden of proof. See section 6.3 for more detail.

11.2 Other issues of concern

- The PADC may not declare laws to be discriminatory: a law that was not declared unconstitutional by the Constitutional Court cannot be discriminatory.
- Non-adherence to a standard of banning *all* discrimination (Article 2(1) of Directive 2000/43/EC and Article 2(1) of Directive 2000/78/EC), including discrimination by assumption.
- The failure to correctly transpose Directive 2024/1499 by the cut-off date of this report (approximately six months before the transposition deadline).
- Under settled SAC case law, public interest (*actio popularis*) litigants expressly have no standing to appeal against PADC decisions. See Section 6.2 c) for more details.

Equality body practice

The PADC does not use its powers, including its competence to start *ex officio* proceedings, in any strategic way, except in relation to disability rights. It has no defined priorities. It has failed to target serious issues of discrimination, such as Roma segregation in education, Roma destitution and isolation in housing, as well as collective forced evictions, among other structural issues.

There is no reliable measurement of the implementation rate of PADC decisions. In cases of non-compliance, the PADC has no formal powers other than to impose further fines.

No issues of concern can be identified regarding the use of artificial intelligence in relation to the implementation of the national legislation transposing the directives, or regarding the regulation of artificial intelligence.

⁵⁰⁸ SAC, Decision No. 12865 of 1 October 2019 in Case No. 5114/2018 (a company employee had stated to the complainant that he would be unequally treated if he applied).

⁵⁰⁹ SAC, Decision No. 2922 of 27 February 2019 in Case No. 10318/2016.

⁵¹⁰ See, *inter alia*, SAC, Decision No. 7272 of 11 June 2020 in Case No. 2647/2020, Decision No. 611 of 12 July 2016 in Case No. 1541/2016, Decision No. 4418 of 14 April 2016 in Case No. 4245/2016, Decision No. 2988 of 9 March 2018 in Case No. 13638/2017, Decision No. 4727 of 12 April 2018 in Case No. 2769/2018; SCC, Ruling No. 368 of 18 May 2018 in Case No. 483/2017, Ruling No. 401 of 28 May 2018 in Case No. 188/2018, Ruling No. 2711 of 25 February 2019 in Case No. 5704/2017. For more detail, see section 4.7.1 a) above.

12 LATEST DEVELOPMENTS IN 2025

12.1 Legislative amendments

In January 2025, the National Assembly adopted amendments to the Religious Denominations Act reaffirming that the Bulgarian Orthodox Church – Bulgarian Patriarchate is the sole representative of Eastern Orthodoxy in Bulgaria and prohibiting other religious denominations from using the word 'Orthodox' or similar expressions in their names. Religious organisations were required to modify their names and statutes within two months or face termination of their legal status. The amendments followed a December 2024 decision by the Supreme Court of Cassation ordering the registration of the Bulgarian Orthodox Old-Style Church, which triggered strong political and ecclesiastical reactions. The legislative changes generated legal and public debate regarding their compatibility with freedom of religion and the European Convention on Human Rights, particularly in light of earlier ECtHR judgments concerning the registration of Orthodox religious communities in Bulgaria.

12.2 Case law

Relevant discrimination ground(s): Ethnicity

Name of the court: Supreme Administrative Court

Date of decision: 19 December 2025

Name of the parties: *A.N. v. Elektrorazpreditelni Mreji Zapad EAD*

Reference number: Decision No. 13270 in Case No. 8630/2025

ECLI reference: N/A

Address of the webpage: [https://info-
adc.justice.bg/courts/portal/edis.nsf/e_act.xsp?id=2569121&code=vas&qid=1300494076&q=%D0%9A%D0%97%D0%94&fbclid=IwY2xjawPV5gNleHRuA2FlbQIxMABicmlkETBhbXpwR3ZIaWdib3BRTUE2c3J0YwZhchBfaWQQMjIyMDM5MTc4ODIwMDg5MgABHu96unfVJYnc0DvmRaJPLxn3wr0HaUJGu7OGsxM9OcTd_VPXUVkMwOxjYhuO_aem_f6lpCVC-LAJKXWjc_FRExQ](https://info-adc.justice.bg/courts/portal/edis.nsf/e_act.xsp?id=2569121&code=vas&qid=1300494076&q=%D0%9A%D0%97%D0%94&fbclid=IwY2xjawPV5gNleHRuA2FlbQIxMABicmlkETBhbXpwR3ZIaWdib3BRTUE2c3J0YwZhchBfaWQQMjIyMDM5MTc4ODIwMDg5MgABHu96unfVJYnc0DvmRaJPLxn3wr0HaUJGu7OGsxM9OcTd_VPXUVkMwOxjYhuO_aem_f6lpCVC-LAJKXWjc_FRExQ) (in Bulgarian)

Brief summary: The Supreme Administrative Court (SAC) set aside the judgment of the Sofia City Administrative Court, upheld the PADC's finding of direct discrimination, rejected the appeal by Elektrorazpreditelni Mreji Zapad EAD against the PADC decision, and confirmed that the installation of electricity meters at inaccessible heights in 2008 constituted direct discrimination on grounds of ethnic origin, contrary to the Protection against Discrimination Act (PADA) and Directive 2000/43/EC. In 1999 and 2000, the electricity company installed the electricity meters for all the consumers of 'Gizdova mahala' district of the town of Dupnitsa (Bulgaria), a district inhabited mainly by persons of Roma origin, on the concrete pylons forming part of the overhead electricity supply network, at a height of between six and seven metres, whereas in the other districts in the town the meters installed are placed at a height of 1.70 metres, usually in the consumer's property, on the façade or on the wall around the property

The SAC explicitly relied on the CJEU's ruling in Case C-83/14 *CHEZ Razpredelenie Bulgaria*, delivered in response to a preliminary reference submitted in the same proceedings, confirming that discrimination based on ethnic origin may exist even where a measure affects both Roma and non-Roma residents, provided that ethnic origin was a determining factor in adopting the measure. The judgment reinforces the domestic courts' obligation to fully internalise EU equality standards. The Court accepted that the complainant was treated less favourably compared with consumers in non-Roma neighbourhoods, where meters were installed at accessible heights. The comparator analysis was location-based but intrinsically linked to ethnic composition, which the Court found sufficient under Article 4(2) PADA.

A central issue was the reversed burden of proof under Article 9 PADA. The Court criticised the lower court's reliance on expert evidence covering 2010–2016, whereas the relevant period was 2008, when the practice was introduced. The company failed to prove that the same measure was applied in non-Roma neighbourhoods at that time or that it was objectively justified and proportionate.

The SAC endorsed the PADC's finding of a violation of Article 37(1) PADA, noting that requiring affected consumers to take additional steps (special requests, control meters) to access information available to others amounted to unequal service conditions. The Court thus rejected CHEZ's appeal against the PADC's decision. With the latter, the PADC imposed a BGN 2 500 (approximately EUR 1 250) fine, which is the maximum under the relevant provision of the PADA, as well as injunctions for CHEZ to refrain from discrimination in the future and, pursuant to Article 22 of the PADA, to display the text of the law in an accessible place in the enterprise. This decision is final.

Relevant discrimination ground(s): Sexual orientation

Name of the court: Supreme Administrative Court

Date of decision: 7 November 2025

Name of the parties: *R.S. and D.L. v. V.S.*

Reference number: Decision No. 11094 in Case No. 9647/2023

ECLI reference: N/A

Link: [https://info-
adc.justice.bg/courts/portal/edis.nsf/e_act.xsp?id=2369232&code=vas&qid=1357750734](https://info-adc.justice.bg/courts/portal/edis.nsf/e_act.xsp?id=2369232&code=vas&qid=1357750734) (in Bulgarian)

Brief summary: The case concerns a discrimination complaint filed against mayoral candidate Volen Siderov from the political party Ataka regarding 2019 Sofia local election campaign materials in which he publicly pledged to 'ban' the Pride parade. The complainants alleged harassment and incitement to discrimination, as well as violations of the Electoral Code by the Electoral Commission, which allegedly failed to enforce Article 184(4) of the Electoral Code, which prohibits, inter alia, the use of campaign materials that undermine good morals. The PADC dismissed the complaint in February 2023; the Sofia Administrative Court upheld the decision; and in November 2025, the Supreme Administrative Court (Decision No. 11094/07.11.2025) confirmed the lower courts' rulings.

The SAC upheld the lower court's judgment, rejecting all arguments brought by the appellants. According to the court, Siderov's promise to ban Pride was 'abstract, impersonal and hypothetical', addressed at an undefined electorate, and therefore did not constitute harassment under PADA.

More specifically, the SAC points out, that

'[d]iscriminatory treatment in the form of harassment constitutes a separate and independent type of discrimination and, pursuant to... [the PADA], is defined as any unwanted conduct based on the grounds listed in Article 4(1) of the PADA, expressed physically, verbally or otherwise, which has the purpose or effect of violating the dignity of a person and creating a hostile, degrading or threatening environment. An analysis of the statutory framework shows that the constituent elements of this form of discrimination require, on the part of the discriminatory actor, the existence of unwanted conduct linked to one of the protected characteristics under Article 4(1) of the PADA, intended to produce, or having produced as a result, negative consequences manifested in the violation of dignity and the creation of an adverse environment with respect to a person (the victim of harassment), who must in turn be a holder of a protected characteristic. The present judicial panel finds that, in the case at hand, the court correctly and lawfully concluded that the elements of the factual composition of this form of discrimination were not established with regard to the appellants on the indicated ground "sexual orientation". The candidate's

statements are non-personalised, abstract and hypothetical, as correctly held by the deciding court, and therefore do not correspond to the concept of “harassment” within the meaning of the special law... In the present case, both the [PADC] and the court of first instance correctly found that the evidence collected in the proceedings does not establish the statutory prerequisites corresponding to the definition of “incitement to discrimination”. The factual composition of this provision requires the existence of direct and intentional encouragement, instruction, pressure or inducement to commit discrimination, elements which are absent in a hypothetical statement addressed to an indeterminate number of voters.

First, the SAC reaffirmed the PADC’s view that harassment required personalised negative impact, excluding generalised political messaging, even when directed at a vulnerable group. Second, the SAC excluded any assessment of whether the Electoral Commission’s inaction, i.e. not applying the provision of the Electoral Code banning campaign materials that undermine good morals, enabled discriminatory campaigning. Third, the SAC provided no balancing analysis under the EU equality directives or Articles 10 and 14 of the ECHR, focusing solely on national statutory definitions.’

Relevant discrimination ground(s): Ethnicity

Name of the court: Supreme Administrative Court

Date of decision: 14 May 2025

Name of the parties: *Amalipe v. R.P.A.*

Reference number: Decision No. 5014 in Case No. 10780/2024

ECLI reference: N/A

Link: [https://info-
adc.justice.bg/courts/portal/edis.nsf/e_act.xsp?id=2476480&code=vas&guid=1328285360](https://info-
adc.justice.bg/courts/portal/edis.nsf/e_act.xsp?id=2476480&code=vas&guid=1328285360) (in Bulgarian)

Brief summary: The case originated from a complaint before the PADC by an NGO. The cassation proceedings were initiated by R.P.A. against a decision by the Sofia City Administrative Court (SCAC), which had rejected his appeal against the decision of the PADC. The contested PADC decision found that R.P.A., in his capacity as de facto controller of the news website novini247.com, had committed indirect ethnic discrimination and incitement to discrimination by publishing an article entitled ‘Gypsies stole iron from a construction site near the Montana stadium’ on 18 November 2022. The PADC imposed a fine of BGN 500 (EUR 250) and prescribed a prohibition against future similar publications. The appellant argued that the decisions of the PADC and of the first-instance court violated substantive law and procedural rules and infringed his freedom of expression.

The SAC dismissed the appeal as unfounded, confirming that the article’s title and content placed undue and offensive emphasis on the ethnic identity of the alleged perpetrators. The wording used (e.g., ‘individuals of Roma origin’ and ‘insolent bandits’) was discriminatory and contributed to stigmatisation and the reinforcement of negative stereotypes towards Roma ethnic group and created an offensive environment for its members.

The SAC found that the publication constituted both indirect discrimination (Article 4 PADA) and incitement to discrimination (Article 5 PADA and §1(5) of the PADA). The judgment did not infringe the right to freedom of expression under the ECHR because such freedom must not be exercised in a discriminatory manner (Article 14 ECHR). The administrator of the media outlet bears responsibility for the published content and the failure to prevent discriminatory messaging.

The SAC found that the imposed fine was close to the statutory minimum and proportionate, given two distinct violations. Thus, the SAC upheld the judgment of the SCAC and the cassation appeal was dismissed.

The case is an example of where the SAC explicitly confirms that online anti-Roma hate speech constitutes discrimination. It underscores the responsibility of online media administrators for published content and for preventing the spread of discriminatory narratives. The judgment further affirms that freedom of expression under the ECHR must not be exercised in a way that infringes anti-discrimination norms (Article 14 ECHR).

ANNEX 1: INTERNATIONAL INSTRUMENTS**Country: Bulgaria****Date: 1 January 2026**

Instrument	Date of signature	Date of ratification	Derogations / reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals ?
European Convention on Human Rights (ECHR)	Yes 7 May 1992	Yes 7 Sept 1992	N/A	Yes	Yes
Protocol 12, ECHR	No	No	N/A	No	N/A
Revised European Social Charter	Yes 21 Sept 1998	Yes 7 June 2000	N/A	Ratified collective complaints protocol? Yes	Yes
International Covenant on Civil and Political Rights	Yes 8 October 1968	Yes 21 Sept 1970	N/A	Yes	Yes
Framework Convention for the Protection of National Minorities	Yes 9 October 1997	Yes 7 May 1999	N/A	N/A	Yes
International Covenant on Economic, Social and Cultural Rights	Yes 8 October 1968	Yes 21 Sept 1970	N/A	No	Yes
Convention on the Elimination of All Forms of Racial Discrimination	Yes 1 June 1966	Yes 8 August 1966	N/A	Yes	Yes
ILO Convention No. 111 on Discrimination	Yes unavailable	Yes 22 July 1960	N/A	N/A	Yes

Instrument	Date of signature	Date of ratification	Derogations / reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals ?
Convention on the Rights of the Child	Yes 31 May 1990	Yes 3 June 1991	N/A	N/A	Yes
Convention on the Rights of Persons with Disabilities	Yes 27 Sept 2007	Yes 26 Jan 2012	N/A	No	Yes

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