



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Bulgaria
Title:	Roma Awarded Court Compensation for Discriminatory Criminal Trial
Date:	16 November 2018
Expert:	Margarita Ilieva
<u>Context</u>	
Issue at stake:	Discriminatory Denial of Fair Trial
Ground of discrimination:	Ethnicity (Roma)
Source:	Media
Field:	Other (Criminal Justice)
Applicable law:	Article 14 in conjunction with Article 6 of the European Convention on Human Rights

Content

Court decision: In June 2018 (specific date at present unavailable), the Supreme Court of Cassation refused to admit in appeal (thereby making it final) a ruling by the Plovdiv Appellate Court in a compensation case brought by a Roma woman against the Plovdiv District Court and the Plovdiv Regional Court. The latter two courts discriminated against the claimant in her criminal trial by sentencing her to effective imprisonment based on her Roma ethnicity, explicitly reasoning that this was necessary as opposed to probation due to “a feeling of impunity among minority groups”. In 2010, the European Court of Human Rights (ECtHR), in its judgment in the case,¹ found that this race-based refusal to suspend the applicant’s sentence constituted discrimination.

Further to the ECtHR’s judgment, the criminal case against the applicant was reopened at the national level, and her sentence substituted for a suspended one. Based on that, she filed a compensation claim against the courts for discriminating against her. She was awarded BGN 5000 (EUR 2500) for her almost two years of discriminatory imprisonment. (She claimed BGN 80 000.)

Key points of analysis: While the compensation amount is arguably unfair, this is a good precedent.

Internet link source:

<https://news.lex.bg/%D0%B4%D0%B2%D0%B5-%D1%81%D1%8A%D0%B4%D0%B8%D0%BB%D0%B8%D1%89%D0%B0-%D1%89%D0%B5-%D0%BF%D0%BB%D0%B0%D1%89%D0%B0%D1%82-%D0%B7%D0%B0-%D0%B4%D0%B8%D1%81%D0%BA%D1%80%D0%B8%D0%BC%D0%B8%D0%BD%D0%B0%D1%86/> (in BG).

¹ Paraskeva Todorova v. Bulgaria (37193/07).