

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

HATE SPEECH AS HARASSMENT: CASE LAW OF BULGARIA

Margarita Ilieva, 30 Nov. 2018

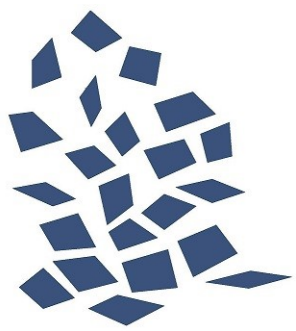
Min. 3 rulings/ year by equality body & courts. Many – actio popularis.

2006 First hate speech case - politician, civil court. Multi-minority and NGO coalition.

- Incitement, as well as harassment. Infringing rights of any minority person, even if minority not targeted; and public interest. Freedom of expression limited by harassment ban. Court order to stop and abstain.

Min. 6 cases since, EB & (civil) courts – party leaders, a party, MPs, mayors.

Invoking int'l and constitutional law. Dignity - limit of free expression; harassment ban - guarantee. Taking account broad dissemination. Every minority member affected. Intent irrelevant. Occasionally +incitement. Injunctions. Fines (500). Once public apology + publication of ruling.



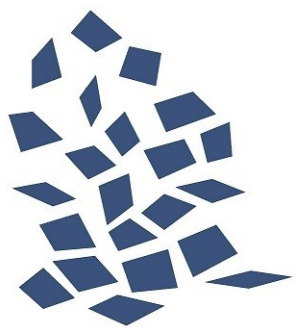
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Media: Journalists, Editors, Publishers, Online Users, Ads

Min. 5 cases journalists + publishers (both) recently. Anti-Roma, homophobic, anti-Muslim, anti-African, anti-Arab, misogynist. Online, print, TV. EB & admin. courts. Intent irrelevant. All group members affected. Taking account influence. Occasionally +incitement. Fines (250-500). Injunctions, incl. structural. Reporting duties.

Announcing alleged identity alleged perpetrators – min. 2 cases EB. Anti-Roma, homophobic. Online/print, TV. Similar reasons & remedies. Editors liable too. Identity not to be reported if irrelevant.

Online comments – min. 9 cases EB & courts. Anti-Roma/ Turkish. Owner companies liable. “Business due diligence”. Harassment ban – absolute. Omission = harassment/ abetting (+incitement once). Intent irrelevant. Taking account period + unlimited access. Invoking *Delfi*. Fines (250-1250). Injunctions for non-stop filtering. Reporting duties. EB: once duty to publish ruling on site (revoked).



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Sexist ads, public website document name

1 case 2010. EB, motion by media regulator. Objectification = harassment every woman. Invoking int'l law and domestic 'dignity in advertising' norms. Remanding for sanctions/ injunctions.

Anti-Roma insult in national integration strategy file name on presidential site. 2013 EB. Employee fined 350. Intent irrelevant.

Victimisation EB complainants/ activists

- Min. 2 cases EB (+ admin. courts) & civil court.
 - 2017. Homophobic hate speech on TV targeting NGO activist for filing actio popularis for misogynist article by presenter/ journalist. Civil court declaration, 750 compensation, injunction to abstain, publication of ruling in daily chosen by claimant.
 - 2011. EB & admin. courts. Homophobic newspaper articles targeting activists for complaining against homophobic articles. EB: 1250 fine for company and 1000 for editor + injunction.

Before “Harassment”

- 2005 Civil court ruling against Prosecutor’s Office. Anti-Roma insults/reasons in decree. Based on int’l law/ CERD and Constitution. Confirmed at appeals 2007: “every person – right to equal respect”.