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Business and human rights

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Bulgaria

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1. What kind of judicial protection do I have in your country as a victim of business- related human rights violations? Does this protection include compensation?

The Commission for Protection against Discrimination (Komisiyata za zashtita ot discriminatsiya) is an independent, specialised state body whose aim is to prevent and protect against discrimination and ensure equality of opportunity. Article 1 of the [Protection against Discrimination Act \(Zakon za zashtita ot discriminatsiya\)](#) provides that the Act governs protection against all forms of discrimination and assistance in its prevention. Article 3 provides that protection against discrimination is granted to all natural persons (*fizicheski litsa*) in Bulgaria. Associations of natural persons (*sdryzhenia na fizicheski litsa*) as well as legal persons (*yuridicheski litsa*) enjoy the rights under this Act where they are discriminated against on the basis of characteristics referred to in Article 4(1) as regards their membership or their employees. Legislators did not grant the Commission for Protection against Discrimination the power to award damages and costs in proceedings for protection against discrimination before it.

2. Do you have specific rules for gross human rights violations? Do these rules apply to environmental crimes or severe labour exploitations?

Infringements are not differentiated on the basis of seriousness in the Protection against Discrimination Act. The procedure applicable in cases of discrimination is set out in chapter 4, 'Procedure for protection against discrimination' of the [Protection against Discrimination Act](#) and the [Rules of Procedure of the Commission for Protection against Discrimination \(Pravilata za proizvodstvo pred Komisiyata za zashtita ot discriminatsiya\)](#).

Provisions on protection when exercising the right to work are set out in chapter 2, heading I of the [Protection against Discrimination Act](#), which exhaustively lists employers' obligations as regards workers' and employees' rights, the infringement of which would be regarded as discriminatory.

3. I am the victim of a human rights violation resulting from activities carried out outside the European Union by a European transnational corporation. Do I have access to the courts in your country if I am not an EU citizen or I don't live in the EU? Under what conditions can I claim a violation of my rights? Where can I find additional information?

As a national equality body, the Commission for Protection against Discrimination operates according to the territorial principle, as is the case for all equality bodies. Article 3 of the [Protection against Discrimination Act](#) expressly provides that all persons in Bulgaria are entitled to the protection provided under the Act.

4. Can ombudsman institutions, equality bodies or national human rights institutions support victims of business-related human rights violations committed by European transnational corporations outside the European Union? Can these bodies investigate my case if I am not an EU citizen or I don't live in the EU? Are there other public services (such as a labour or environmental inspectorate) in your country that can investigate my case? Where can I find information about my rights?

Associations of natural persons as well as legal persons enjoy the rights under the [Protection against Discrimination Act](#) as regards their membership or their employees in Bulgaria. Irrespective of nationality (or any other significant personal characteristics), complaints alleging infringement of the principle of equal treatment committed in Bulgaria can be examined, taking account of the particular characteristics of legal persons, namely that the infringement affects their membership or employees.

The administrative authorities act within the limits of their powers as laid down by law. The competence of an administrative authority is its legally recognised ability to issue a particular act. The competence of the Commission for Protection against Discrimination is governed by Article 47 of the [Protection against Discrimination Act](#), which regulates the powers it has in its capacity as a specialised state body whose aim is to prevent and protect against discrimination and ensure equality of opportunity. In the absence of a finding of infringement of the [Protection against Discrimination Act](#) on the basis of the given factual circumstances, the complainant can also apply to other State institutions, such as the [General Labour Inspectorate Executive Agency](#) (Izpalnitelna agentsia glavna inspecktsia po truda), which can carry out inspections within the limits of their powers.

Information on the status and powers of the institutions concerned and the grounds and procedure for referral to them is published on their websites.

5. Does your country impose obligations on European transnational corporations to establish complaint mechanisms or mediation services for violations resulting from their business activities? Do these obligations also apply to violations that occur outside the European Union? Who is in charge of monitoring these activities in your country? Are there public reports available providing information on the functioning of the system?

The [Protection against Discrimination Act](#) and the [Rules of Procedure of the Commission for Protection against Discrimination](#) govern the initiation of proceedings before the Commission and set out the details that the claim or report must contain (Article 51(2) of the [Protection against Discrimination Act](#) and Article 6 of the [Rules of Procedure of the Commission for Protection against Discrimination](#)). The same rules apply to transnational corporations. It should be noted that it is possible to resolve a dispute arising from an infringement of rights under the [Protection against Discrimination Act](#) by agreement. Article 62(1) of the [Protection against Discrimination Act](#) obliges the Chair of the panel (*Predsedatelya na sastava*) to explain to the parties the possibility of concluding an agreement and to invite them to a conciliation procedure (*pomiritelno proizvodstvo*).

6. Do I have specific rights if I am a vulnerable victim seeking a remedy for business-related human rights violations? Can I have access to legal aid, and under which conditions? Which costs will be covered by the legal aid? Do I have access to legal aid under the same conditions if I am not an EU

citizen or I don't live in the EU?

According to Article 47 of the [Protection against Discrimination Act](#), the Commission for Protection against Discrimination provides independent assistance to victims of discrimination upon submission of a complaint of discrimination committed in Bulgaria, regardless of the victim's nationality. According to Article 53(1) of the [Protection against Discrimination Act](#), proceedings before the Commission for Protection against Discrimination are not subject to state fees (darzhavni taksi), while Article 53(2) provides that 'the costs incurred in the course of proceedings shall be charged to the Commission's budget', i.e. proceedings before the Commission for Protection against Discrimination are free of charge.

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