

REPORT ON ANTI-LGBTI HATE CRIMES IN BULGARIA

FOR THE PERIOD FROM
JULY '25 TO FEBRUARY '26



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INTRODUCTION

Hate crimes are an indicator of the non-acceptance of specific vulnerable groups of people in a society, stereotyped as “dangerous” or “foreign.” When violence is motivated by prejudice, it does not exhaust itself with the harm caused to the specific person. It also functions as a social signal - it outlines boundaries of “belonging,” suggests who has the right to be visibly present in public space and who should be pushed into silence. Thus, the individual incident acquires a broader effect: it increases fear, encourages self-censorship, and undermines the sense of security of an entire community.

The principles of the rule of law require that the law be clear, predictable, and applied impartially; that institutions act with due diligence when investigating crimes motivated by hatred; and that victims have effective access to protection and compensation. The prevention of such crimes is not limited only to punishment after their commission. It includes systematic collection of data, training of judicial and police authorities, clear public condemnation of hate speech, and the development of policies that reduce stigma and isolation. Only through consistent application of these principles can it be guaranteed that the dignity and security of vulnerable groups are protected not formally, but in reality.

The present text is the second edition of the Report on anti-LGBTI hate crimes in Bulgaria, prepared within the framework of the project Rainbow Network (CERV-2023-CHAR-LITI), funded under the European Commission’s programme “Citizens, Equality, Rights and Values” (CERV). The project aims to strengthen the infrastructure for protection of LGBTI rights outside the capital by building a network of local activists, improving reporting mechanisms, and promoting safe community spaces. The reports prepared within the framework of the project are part of this broader strategy, as they collect and analyse information necessary for advocacy and institutional dialogue.

The first edition of the report (covering the period August 2023 - June 2025) focused on the analysis of specific cases, the first court decisions following the amendments to the Criminal Code, and officially available statistics. It examined the practical application of the new legal framework introduced in 2023, as well as the challenges related to reporting, investigation, and prosecution of hate crimes.

The present edition differs in its focus. As of February 2026, no new aggregated official data has been published by the Ministry of Interior or the Prosecutor's Office. Therefore, this report focuses on international and European legal instruments that Bulgaria is obliged to implement in combating hate crimes.

While the first report analysed “what happened” after the criminalisation of homophobic hate crimes in Bulgaria in 2023, this report examines “what should happen” under international law. It presents the relevant European Union directives, instruments of the Council of Europe, and case law of the European Court of Human Rights, which establish clear standards regarding the investigation of discriminatory motives, protection of victims, and the imposition of effective, proportionate, and dissuasive sanctions.

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CURRENT DIRECTIVES OF THE EUROPEAN UNION

The European Parliament has long noticed the need for strengthening the fight against hate crimes and over the past year has been carrying out intensive preparatory work in this regard. In 2025, an updated version of the Directive establishing minimum standards on the rights, support and protection of victims of crime (Directive 2012/29/EU) was completed, and in 2026 it will be placed on the agenda of the European Parliament for voting. This directive over the past 13 years has had fundamental significance and extremely important influence for shaping the basic criminal law principles in Bulgaria. Since the middle of the 20th century, our criminal procedure has followed the Soviet model, which means that it was firmly centred on protecting the rights of perpetrators of crimes. Thanks to Directive 2012/29/EU, the rigid criminal law policies in Bulgaria finally began to crack and started shifting toward approaches that emphasise the protection of the rights of victims of crime. Taking into account the successful transposition of the directive across the territory of the EU, the European Parliament has now set itself the task of building further on what has been achieved and strengthening guarantees for victims, with increasingly concrete and exhaustively listed requirements toward Member States. This includes special protection against crimes motivated by citizens' sexual orientation and special protection against hate speech. In the updated version of the directive, hate crimes are repeatedly highlighted as a phenomenon with an extremely high degree of social danger.

For example, at present the directive requires "support from victim support services" (Art. 9) for the following explicitly listed vulnerable persons: "victims of sexual violence, victims of gender-based violence, and victims of violence in close relationships." This year, the following will be added to them: "victims of trafficking in human beings, victims of organised crime, victims with disabilities, victims of exploitation, victims of hate crimes, victims of terrorism, victims of core international crimes." It is evident that hate crimes are placed alongside the most severely punishable offences known in legal systems.

Furthermore, at present the directive requires investigating authorities to carry out an individual assessment of needs, generally based on the "personal characteristics of the victim" (Art. 22). In the future, however, the directive will require investigating authorities to specifically take into account the characteristic "sexual orientation" of the victim.

Additionally, the directive will require investigating authorities to pay particular attention to "victims who have suffered harm from a crime committed due to prejudice or with a discriminatory motive, which may be related to their personal characteristics." To clarify what exactly such a crime represents, so that it does not sound abstract or theoretical, the directive provides explicit examples, including "hate crimes."

A very significant upcoming addition to the directive is the introduction of an obligation for investigating authorities to treat a perpetrator as high-risk when they have used hate speech: “In the context of the individual assessment, particular attention must be paid to the risk arising from the perpetrator, including the risk of violent behaviour and bodily harm, use of weapons, involvement in organised criminal groups, abuse of drugs and alcohol, child abuse, mental illness, stalking, threats, or hate speech.”

Following the adoption of the updated version of Directive 2012/29/EU, Member States will have a two-year period for its transposition. Accordingly, no later than 2028, the Bulgarian government must be ready with the necessary amendments to the Criminal Code, the Criminal Procedure Code, the Law on Assistance and Financial Compensation for Victims of Crime, and others, which will more effectively protect LGBTI minorities from criminal attacks.

The European Parliament is advancing the effort to combat hate crimes through another directive as well. In 2024, it adopted a directive on combating violence against women and domestic violence (Directive (EU) 2024/1385). This directive establishes minimum rules regarding criminal offences and penalties in the field of cybercrime.

Directive (EU) 2024/1385 requires national authorities to criminalise as offences:

threatening behaviour through information and communication technologies (ICT), directed against a person, when it includes threats to commit criminal acts and causes justified fear for the person’s safety;

- threatening or insulting behaviour directed against a person, in such a way as to become publicly accessible, when it may cause serious psychological harm to the person;
- public dissemination, through ICT, of materials containing a person’s personal data, with the aim of inciting others to cause physical or serious psychological harm to the person
- public incitement, through ICT, to violence or hatred directed against a person or group of persons, defined on the basis of their sex.

In addition to requiring criminalisation, the European Parliament obliges national authorities to establish a minimum penalty for the above acts of one year of imprisonment.

It can be said that at present the Bulgarian government has fulfilled half of these requirements. In the currently applicable Criminal Code, the threat to commit a crime which causes justified fear that it will be carried out is criminalised. It may be expressed either orally in the presence of the victim or in writing, through ICT. A shortcoming, however, is the severity of the penalty. It does not meet the mandatory minimum threshold of 1 year of imprisonment as required by Directive (EU) 2024/1385, and in this respect the Criminal Code must be amended.

Further, the Bulgarian Criminal Code criminalises the public dissemination, through mass media or by other means, of “something humiliating to the honour or dignity” or a “disgraceful circumstance” about a given person (insult or defamation).

However, this act also carries an excessively lenient penalty and is not even punishable by a sentence of “imprisonment,” but rather by a “fine.” Obviously, changes are needed here as well, in order to introduce “effective, proportionate and dissuasive penalties,” as required by Directive (EU) 2024/1385 (Art. 10).

Finally, incitement to violence or hatred on the ground of sex has not been criminalised by the Bulgarian government. The same obligation also arises from the Council of Europe Convention on preventing and combating violence against women and domestic violence, which the Bulgarian government notoriously refused to ratify (Art. 4). The deadline for adding such an offence to the Bulgarian Criminal Code is 14.06.2027. Otherwise, the minimum penalty of 1 year of imprisonment for incitement to violence or hatred (but on other grounds) is currently complied with (Art. 162 of the Criminal Code).

An achievement of Directive (EU) 2024/1385 is the recognition of the high degree of social danger of crimes against persons who professionally defend LGBTI minorities. The directive has strong added value for the Bulgarian context in that it obliges the Bulgarian authorities to criminalise attacks against the following group of citizens: “public representative, journalist or human rights defender.” Specifically, if the offences listed above are committed against a person who has been selected as a victim because they are a public representative, journalist or human rights defender, this motive must be explicitly included in the Criminal Code as an aggravating circumstance.

Attacks, threats and insults against public representatives are criminalised in Bulgaria. However, criminal liability for offences intended to punish the victim for their profession as a human rights defender or journalist is currently lacking. By comparison, Bulgarian law provides for a higher penalty for an attack against a person with the profession of doctor or teacher. “Public representative” means a person designated by a public organisation to exercise a specific function, and “public organisation” means a non-profit legal entity for public benefit, which may be an association or a foundation, a political party or a trade union. For example, in judicial practice the status of “public representative” has been attributed to the chairperson of the Bulgarian Helsinki Committee.

CURRENT LAW OF THE COUNCIL OF EUROPE

The obligation of the Bulgarian government to criminalise attacks against human rights defenders also derives from another European legal act. This is the Council of Europe Convention for the Protection of the Profession of Lawyer, signed by Bulgaria on 03.07.2025 (not yet ratified). Under this convention, Bulgaria must guarantee to lawyers that they will not become the object of physical attack, threat, degrading treatment, or improper interference when they carry out the following professional activities: “to inform the public about issues related to the cases of their clients, ... to support the rule of law and its observance, to participate in public discussion on the substance, interpretation and application of existing and proposed legal provisions, judicial decisions, the administration of and access to justice, and the support and protection of human rights, as well as to make proposals for reforms affecting these areas” (Art. 7).

Following this same strategic line, at the end of last year the European Court of Human Rights (ECHR) examined a key problem involving severe hate speech against three Bulgarian human rights defenders and condemned Bulgaria for the lack of effective criminal prosecution of the perpetrators. The incidents date from 2015 and occurred against attorney Valeria Ilareva, chair of the Foundation for Access to Rights, Ms. Lidia Staykova, volunteer with the United Nations High Commissioner for Refugees, and Mr. Krassimir Kanev, chair of the Bulgarian Helsinki Committee. The incidents consisted of very serious threats of murder and torture and incitement to violence against the three human rights defenders, in connection with their work assisting refugees and migrants.

On 09.09.2025, the ECHR delivered a judgment in which it held that the applicants’ right to protection of personal integrity had been violated, because the Bulgarian prosecution authorities had failed to fulfil their obligation to establish the facts of the case, to identify and locate the aggressors, and to respond sufficiently and fully to the applicants’ reports. The ECHR concluded:

“The cumulative effect was that the threats, incitement to violence and hate speech, motivated by intolerance and prejudice and directed against the applicants because of their connection, through their professional activity, with the groups of people whose rights they had worked to protect, remained practically without legal consequences, and the applicants were not provided with the necessary protection of their right to personal integrity” (§ 145 of the judgment).

The full text of the judgment is available in Bulgarian at:
<https://hudoc.echr.coe.int/eng?i=001-247870>

CONCLUSION

The international organisations of which Bulgaria is a member have clear and concrete requirements for criminal law protection of LGBTI persons and their lawyers, as well as precise deadlines for their implementation. It is within the competence of the Council of Ministers that the Council of Europe Convention for the Protection of the Profession of Lawyer be proposed for ratification by law by the National Assembly. In this way, it will become part of the internal law of the country. It should be noted in this regard that contradicting the purpose and principles of this convention is the new temporary commission in the Bulgarian parliament “for establishing facts and circumstances regarding the activities of George Soros and Alexander Soros and their foundations on the territory of the Republic of Bulgaria, financing Bulgarian natural and legal persons and non-governmental organisations, as well as establishing their connections with political parties, magistrates, educational institutions, media, business structures and bodies of state authority,” created on 05.11.2025. The motives for the creation of this parliamentary commission were that “only through full clarification and illumination of the activities of George Soros and Alexander Soros and their foundations on the territory of the Republic of Bulgaria ... will adequate measures be able to be taken to limit and eliminate this influence.” Therefore, the motives formulate an objective which is completely contrary to the requirements of the Council of Europe for safeguarding and promoting the advocacy and human rights protection activities of national lawyers. This is a solid reason why it is advisable that the respective commission be closed.

In addition, it is within the competence of the Ministry of Justice to create a working group for the transposition of the two directives mentioned above with regard to the requirements toward criminal law and criminal procedure. It is advisable that such a working group be created as soon as possible and that the necessary legislative changes be adopted as quickly as possible, so that another two years do not pass with unpunished and unaddressed hate crimes and so that people at real risk can be supported.

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