



Denial of request to change forename was not in breach of right to respect for private and family life

In today's Chamber judgment in the case [Golemanova v. Bulgaria](#) (application no. 11369/04), which is not final¹, the European Court of Human Rights held, by a majority, that there had been:

No violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

The case concerns a refusal by the Bulgarian courts to allow the applicant to change her official forename to the name she normally uses.

Principal facts

The applicant, Donka Golemanova, is a Bulgarian national who was born in 1958 and currently lives in Koynare (Bulgaria). According to her, since childhood she has been known exclusively by the name Maya, both within and outside her family, even though her officially registered forename is Donka. She claims that she only discovered her official forename at the age of 11 when she changed schools.

In late 2001 she lodged a request for a change of forename with the court of Cherven Bryag. Assisted by a lawyer in the proceedings, she had testimony taken from a cousin and a former colleague, who confirmed that she was known as Maya in her family and at work. The Mayor of Koynare, who was called as respondent in the proceedings, did not take a position on the merits but submitted an attestation in which three neighbours of Ms Golemanova confirmed that she had been known only as Maya since childhood. The court subsequently heard evidence in the same vein from another cousin of the applicant. On 20 March 2002 the court rejected the request for a change of forename. Observing that the law authorised a change of forename only if there were "serious reasons", it found that the applicant had not given any. In the court's view, the provision was applicable only in the most serious cases, involving for example an immediate risk to the life of the person concerned.

Ms Golemanova lodged an appeal against the decision but it was dismissed by the Pleven Regional Court on 11 September 2002. The court did not agree with the District Court's restrictive interpretation of "serious reasons". It accepted that, when an individual was known by a particular name to a wide circle of people but was officially registered under another name, this might constitute a "serious reason" to justify a change of name. However, Ms Golemanova was not in that situation, in the court's view. The testimony of her cousins proved only that she was known as Maya to the very narrow circle of her close relatives.

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

Ms Golemanova appealed on points of law. She complained in particular that the testimony at first instance of her former colleague and neighbours had not been taken into account. On 1 October 2003 the Supreme Court of Cassation dismissed the appeal. It fully adhered to the Regional Court's finding that the evidence gathered, in particular the testimony from the applicant's cousins, did not prove that she was known as Maya in the community at large. It took the view that the Regional Court's decision had been well-reasoned and was based on duly gathered evidence, and that Bulgarian law had been properly applied.

Complaints, procedure and composition of the Court

Relying on Article 8 Ms Golemanova complained that the refusal of the Bulgarian courts to allow her to officially change her forename to the name she normally used breached her right to respect for her private and family life.

The application was lodged with the European Court of Human Rights on 19 March 2004.

Judgment was given by a Chamber of seven, composed as follows:

Peer **Lorenzen** (Denmark), *President*,
Karel **Jungwiert** (the Czech Republic),
Mark **Villiger** (Liechtenstein),
Isabelle **Berro-Lefèvre** (Monaco),
Zdravka **Kalaydjieva** (Bulgaria),
Angelika **Nussberger** (Germany),
Julia **Laffranque** (Estonia), *Judges*,

and also Claudia **Westerdiek**, *Section Registrar*.

Decision of the Court

The Court began by confirming that a person's forename fell within the sphere of private and family life.

The main question before it in Ms Golemanova's case was whether the refusal to authorise a change of forename had struck a fair balance between the competing interests of Ms Golemanova and of society as a whole. It thus examined, first, the reasons given for the refusal and, secondly, whether the decision-making procedure was fair.

As regards the reasons given for the refusal to change Ms Golemanova's forename, the Court noted that the Bulgarian courts had mainly taken the view that the circle within which Ms Golemanova was known as Maya had not been wide enough for them to conclude that she had been known by that name in her social relations – whereas otherwise the name could have been changed. The courts had thus balanced the competing interests of Ms Golemanova and of society. Their decisions did not appear arbitrary or lacking in reasoning. As regards Ms Golemanova's complaint that the courts had wrongly failed to take into account the testimony of a former colleague and the content of the attestation submitted by the Mayor of her town, the Court observed that the domestic courts were in a better position than itself to establish the facts and interpret and apply domestic law. It was not convinced that the Pleven Regional Court had failed to take into account the items of evidence to which Ms Golemanova referred, even though they had not been expressly mentioned in the decision. Nor did the succinctness of the arguments in the Supreme Court of Cassation's judgment raise a problem *per se*.

As regards the proceedings that had led to the disposal of Ms Golemanova's case, the Court did not doubt that they had been fair. She had had her claim examined by courts at three levels of jurisdiction in the context of adversarial proceedings; she had been represented by a lawyer; lastly, she had submitted documentary evidence and had had witnesses testify in her favour.

In these conditions the Court held, by four votes to three, that Article 8 had not been breached.

Separate opinion

Judges Berro-Lefèvre, Nussberger and Laffranque expressed a joint dissenting opinion, which is annexed to the judgment.

The judgment is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.