EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

DECISION

Application no. 22895/23
Atanas Ivanov KUZMANOV
against Bulgaria

The European Court of Human Rights (Third Section), sitting on 13 January 2026 as a Committee composed of:

Peeter Roosma*, President*,
Diana Kovatcheva,
Canòlic Mingorance Cairat*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 22895/23) against the Republic of Bulgaria lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 26 May 2023 by a Bulgarian national, Mr Atanas Ivanov Kuzmanov ("the applicant"), who was born in 1981, lives in Zvanichevo and was represented by Mr D. Milev, a lawyer practising in Sofia;

the decision to give notice of the complaint concerning discrimination on the ground of sex to the Bulgarian Government ("the Government"), represented by their Agent, Ms I. Stancheva-Chinova, from the Ministry of Justice, and to declare inadmissible the remainder of the application;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns a complaint – lodged under Article 14 in conjunction with Article 8 – that the applicant was a victim of discrimination on the ground of his sex, in the light of the refusal by the authorities, in application of the relevant law, to grant the applicant (the father of twins) a one-time benefit payable to mothers who give birth to live children.

2. The applicant's wife, a Ukrainian national, gave birth to twins in Plovdiv, Bulgaria on 4 September 2022.

3. On 14 September 2022 the applicant and his wife petitioned for divorce under the terms of "mutual agreement". In October 2022 the social services authorities prepared a report regarding the conditions in which the twins were being cared for. According to the report: the mother did not live with the applicant; she was in Ukraine, but planned to live in Germany; the applicant was the sole caregiver for the children and was helped by his mother and a babysitter. By a final judgement of 14 November 2022 the Pazardzhik District Court granted the divorce.

4. On 12 December 2022 the applicant lodged an application under the Family Allowances for Children Act 2002 ("the FACA") for the payment of a one-time financial benefit provided for under section 6(1) of the FACA ("the benefit").

5. On 20 December 2022 the Pazardzhik Social Assistance Directorate refused to grant the benefit to the applicant.

6. On 3 January 2023 he brought judicial review proceedings before the Pazardzhik Administrative Court, challenging the refusal. In a final judgment on 1 March 2023 the court dismissed the applicant's challenge. It reasoned that the purpose of that specific benefit was to incentivise childbirth; it was thus aimed at new mothers, not at assisting with the raising of a child.

THE COURT'S ASSESSMENT

Alleged violation of Article 14 in conjunction with Article 8 of the Convention

1. The parties' positions

7. The Government submitted that the complaint was incompatible *ratione materiae* and *ratione personae* with the Convention, and was also manifestly ill-founded.

8. Domestic law did not provide the payment to men of any type of social benefit for their having fathered children. The relevant national legal provisions and judicial practice were unequivocal in stipulating that only biological mothers who had given birth to a child were entitled to the benefit, because its legitimate aim was to "support the fact of giving birth".

9. The applicant could not claim to have been a direct victim of the alleged violation. Domestic judicial practice specifically excluded not only fathers, but also adoptive mothers and other caregivers from its scope. Since the right that the applicant claimed to have did not exist in national law, it could not fall "within the ambit" of the Convention rights. The fact that he had applied for the benefit – and challenged in court the refusal to pay it to him – did not mean that he had acquired victim status *per se*, because he had initially not been eligible for that benefit.

10. The applicant could not be considered an indirect victim either (on the basis of existing family life with the twins' mother), since he did not claim to have a family life or any other close relations with his former wife.

11. The benefit pursued the legitimate aim of encouraging and supporting new mothers after they had given birth. It was not aimed at supporting newborn children; that aim was pursued by the benefits listed under section 2(1) (3)-(8) and section 2(3) of the FACA. Given that the applicant's children – who were not applicants in the present case – had not been legal recipients of the benefit either, the applicant could not claim the status of an indirect victim in the capacity of husband and/or caregiver.

12. It was possible for the father to apply for the benefit on the mother's behalf, but only if he had been given power of attorney. A father could apply for the benefit himself only if the mother had died during or after childbirth. The benefit's legitimate purpose was to foster an increase in the birth rate and to combat the long-standing demographic crisis in the country. It was aimed at encouraging the birth of children and at providing financial support to women in connection with the childbirth.

13. For the year 2022 the amount of the benefit was 250 Bulgarian levs (BGN – approximately 130 euros (EUR)) for a first child, BGN 600 for a second child, BGN 300 for a third child, and BGN 200 for any subsequent child.

14. The applicant reiterated his complaint that he had been a victim of discrimination on the grounds of his sex, by virtue of the authorities' refusal to grant him a one-time benefit that was payable to mothers who had given birth to live children.

2. The Court's assessment

15. The Court has consistently held that Article 14 has no independent existence since it has effect solely in relation to "the enjoyment of the rights and freedoms" safeguarded by the other substantive provisions of the Convention and its Protocols (see, as a recent authority, *Beeler v. Switzerland* ([GC], no. 78630/12, § 48, 11 October 2022). For Article 14 to be applicable, it is enough for the facts of the case to fall within the ambit of one or more of those provisions (ibid.).

16. The Court clarified in *Beeler* (cited above, § 72) the relevant criteria as to what falls within the ambit of Article 8 within the sphere of welfare benefits. For Article 14 of the Convention to be applicable within this specific context, the subject matter of the alleged disadvantage must constitute one of the modalities of exercising the right to respect for family life as guaranteed by Article 8 of the Convention, in the sense that the measures seek to promote family life and necessarily affect the way in which it is organised. The factors identified as relevant for determining the nature of the benefit include: the aim of the benefit, as determined by the Court in the light of the legislation concerned; the criteria for awarding, calculating and terminating the benefit, as set forth in the relevant statutory provisions; the effects on the way in

which family life is organised, as envisaged by the legislation; and the practical repercussions of the benefit, given the applicant's individual circumstances and family life throughout the period during which the benefit is paid (ibid).

17. The Court must first determine whether the applicant's interests in the present case – which were adversely affected by the refusal to grant him the benefit – fell within the ambit of Article 8 of the Convention.

18. In respect of the aim pursued with the benefit, according to the text of the law, the benefit is a one-time payment to mothers who have given birth. Mindful of the Government's affirmations above as to the benefit's aim, the Court observes that, under the law, the act of giving birth only triggers the benefit's payment if the child is born alive. Consequently, it cannot be said that the benefit specifically targets the mother and aims to contribute to her personal well-being, nor that it seeks to support her financially for the effort associated with giving birth.

19. In terms of the criteria for awarding and terminating the benefit, it is payable irrespective of the financial situation of the mother – but only if the child was born alive and has not been placed outside the family as a protection measure; in the latter scenario, the mother is liable for the benefit's repayment if it had been previously paid to her. The above-noted conditions do not appear to pursue the aim of fostering an increase in the birth rate and of combatting the demographic crisis in the country, given that even where a live child has been born (this fact by itself having contributed to the stated aim) a mother may be deprived of the benefit on the basis of unrelated considerations. The significant decrease in the amount of the benefit granted in respect of a third and every subsequent child (see paragraph 13 above) is also difficult to reconcile with the stated aims above.

20. Where a mother has herself died before claiming the benefit, the child's father acquires in law the right to receive it. The benefit thus rather appears linked to considerations related to the person presumed by the legislature most likely to care for a living newborn child in the immediate period after that child's birth.

21. The Court considers that – while it has not been demonstrated that the aims of the benefit were those claimed by the Government – it cannot be said that, beyond having *some* effect on family life (albeit strictly circumscribed in time and significance), the benefit's intended purpose is to "promote family life" (contrast *Beeler*, cited above, § 77, where the benefit concerned a "survivor's pension" that enabled a surviving spouse to look after his or her children full time over a lengthy period; also compare *X and Others v. Ireland*, nos. 23851/20 and 24360/20, § 74, 22 June 2023, where what was at stake was a temporary non-payment of child benefit).

22. As to how the benefit affected the way in which family life was organised, and what the practical repercussions of not receiving the benefit have been for the applicant's enjoyment of his family life, the Court finds as

follows. The benefit, being of a one-time nature and of a relatively modest monetary value, is not of such importance as to allow a person (either a mother or a father) to organise (at least partially) the key aspects of his family's daily life on the strength of it – as the applicant did in *Beeler* (cited above). Regard being had to the personal circumstances of the applicant in the present case, it has not been argued (or shown) that the benefit was essential or even significantly helpful in providing the support needed to determine or facilitate the applicant's arrangements for the care of his newborn children (contrast *Beeler*, cited above, § 79). Apart from the indubitably welcome aspect of receiving such a one-time allowance – and the likely experience of discontentment linked to not receiving it – its non-payment did not result in the applicant needing to make special provisions for rearranging his life in order to attend to his children's needs (compare, *mutatis mutandis*, *X and Others*, cited above, § 74). Non-receipt of the benefit did not negatively affect the applicant's family life.

23. In the light of the above, the Court concludes that receipt of the benefit did not constitute one of the conditions for exercising the right to respect for family life as guaranteed by Article 8 of the Convention (compare, *mutatis mutandis*, *Berisha v. Switzerland* (dec.), no. 4723/13, §§ 40-45, 24 January 2023; also *Beeler*, cited above, § 71, demanding a close link between the allowance and the enjoyment of family life).

24. The Court finds that, even though the benefit under section 6 of the FACA appears in practice to target the person presumed most likely to care for a living newborn child in the immediate period after that child's birth – and to that extent it contributes minimally to family life – it cannot be said to be intended to promote family life and to necessarily impact its organisation.

25. It follows that the facts of the case do not fall within the scope of "family life" within the meaning of Article 8 of the Convention. Consequently, the complaint under Article 14 is incompatible *ratione materiae* with this provision within the meaning of Article 35 § 3(a), and so must be rejected, in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 5 February 2026.

Olga Chernishova Deputy Registrar	Peeter Roosma President