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

THIRD SECTION

DECISION

Application no. 37693/20
Valya Encheva SIDEREVA
against Bulgaria

The European Court of Human Rights (Third Section), sitting on 8 September 2026 as a Committee composed of:

Darian Pavli*, President*,
Diana Kovatcheva,
Vasilka Sancin*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 37693/20) 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 21 August 2020 by a Bulgarian national, Ms Valya Encheva Sidereva ("the applicant"), who was born in 1971, lives in Radnevo and was represented by Mr M. Ekimdzhiev, Ms K. Boncheva and Ms D. Kmetova-Mehmed, lawyers practising in Plovdiv;

the decision to give notice of the complaints concerning the alleged insufficient reasoning contained in a court judgment and an interference with the applicant's right to freedom of expression to the Bulgarian Government ("the Government"), represented by their Agent, Ms V. Tsaneva from the Ministry of Justice, and to declare inadmissible the remainder of the application;

the parties' observations;

the fact that by a letter dated 21 March 2024 the applicant's representatives notified the Court that the applicant had changed her surname from Sidereva to Zhekova. The Court will proceed with the examination of the application under the case name of *Sidereva v. Bulgaria*. This corresponds to the applicant's name as referred to in the domestic court proceedings, as well as in her application lodged with the Court;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's liability for damages arising from complaints she made against her manager, including allegations of sexual harassment, which were ultimately found to be untrue. It also concerns the alleged failure of a domestic court to give a reasoned decision.

2. The applicant was employed at a mine. In 2015, dissatisfied with the manner in which her manager, S.A., had handled salary increases, she lodged complaints with bodies within the company operating the mine and with public authorities, alleging in particular discrimination and sexual harassment on his part. A commission composed of several employees of the employer company concluded that the salary increases had been allocated fairly. As regards the allegations of discrimination and harassment, these were found to be unsubstantiated following inquiries conducted by the company operating the mine. The same conclusions were reached in 2016 by the Commission for Protection Against Discrimination, before which the applicant had also lodged a complaint. In particular, the Commission found that the applicant had failed to establish that she had been subjected to discrimination in the manner in which S.A. had managed his team. It further observed that she had provided no factual details or explanation regarding the alleged sexual harassment, despite having been expressly invited to do so.

3. In 2019, S.A. brought tort proceedings against the applicant, claiming damage arising from her complaints against him. In a judgment of 17 October 2019 the Radnevo District Court ("the District Court") awarded him 5,000 Bulgarian levs (BGN, approximately 2,550 euros (EUR)) in compensation for non-pecuniary damage, and also BGN 500 (approximately EUR 256) in respect of pecuniary damage, representing legal costs incurred in the proceedings before the Commission for Protection Against Discrimination. The District Court held that, according to the settled case-law of the Supreme Court of Cassation, tort liability arising from complaints made by citizens could be engaged only in cases of abuse of rights, namely where the right to lodge complaints had been exercised with the deliberate intention of causing harm to another person. In the present case, the applicant had acted abusively because, in making her allegations against S.A., she had been motivated by resentment following her dissatisfaction with the salary increase process, and had sought to cause him harm. The proceedings before the Commission for Protection Against Discrimination had established that her allegations of sexual harassment were unfounded. At the same time, those allegations had become known to the mine's employees and to residents of the small town in which the parties lived. As a result, they had adversely affected S.A.'s career prospects (he had voluntarily moved to a lower position), professional reputation, standing in the community, and self-esteem. Although the District Court considered that fair compensation for the non-pecuniary damage suffered would amount to approximately

BGN 7,000 (EUR 3,580), it noted that S.A. had claimed only BGN 5,000 (EUR 2,550) and accordingly awarded that amount.

4. The applicant appealed against the above judgment, challenging both the District Court's findings of fact and its legal assessment. In a final judgment of 21 February 2020, the Stara Zagora Regional Court ("the Regional Court") dismissed the appeal, reproducing nearly word for word the reasoning of the lower court with regard to the merits of the case.

THE COURT'S ASSESSMENT

5. The applicant complained under Article 6 § 1 of the Convention that the domestic proceedings had been unfair because the Regional Court had failed to provide its own reasoning and had merely reproduced the reasoning of the lower court. Although the applicant also relied on Article 13 of the Convention, the Court considers that the complaint falls to be examined solely under Article 6 § 1.

6. The Government argued that the Regional Court's judgment complied with the requirements of Article 6 § 1, because the Regional Court had simply endorsed the reasoning of the lower court. They pointed out that the applicant had raised no new arguments in her appeal against the first-instance judgment that would have required an express response. Furthermore, in so far as the applicant maintained that the Regional Court's judgment was null and void (see below), the Government noted that she had the possibility, pursuant to Article 270 § 2 of the Code of Civil Procedure, of bringing separate proceedings to seek a declaration of nullity.

7. The applicant maintained her complaint. In her view, the Regional Court's judgment lacked adequate reasoning and, for that reason, was null and void.

8. Article 6 requires the domestic courts to adequately state the reasons on which their decisions are based (see *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, § 185, 6 November 2018). Without requiring a detailed answer to every argument, this obligation presupposes that a party to judicial proceedings can expect a specific and express reply to those submissions which are decisive for the outcome of the proceedings in question (ibid., § 185, with a further reference). At the same time, in dismissing an appeal, an appellate court may, in principle, simply endorse the reasons for the lower court's decision (see *García Ruiz v. Spain* [GC], no. 30544/96, § 26, ECHR 1999-I, and *Stepanyan v. Armenia*, no. 45081/04, § 35, 27 October 2009).

9. The Court observes that, by reproducing the reasoning of the lower court in the present case, the Regional Court effectively endorsed that court's findings and conclusions. The case is not one in which a domestic court failed to address a decisive argument advanced by the applicant, as the Regional Court upheld a well-reasoned judgment that examined all material aspects of

the dispute (contrast in that regard *Tatishvili v. Russia*, no. 1509/02, §§ 62-63, ECHR 2007-I, and *Deryan v. Turkey*, no. 41721/04, § 37, 21 July 2015). Moreover, although the applicant challenged the lower court's findings of fact and legal reasoning on appeal, she raised no specific new arguments that would have required a separate and express response from the Regional Court (see paragraph 4 above). Finally, nothing in the case file suggests that the Regional Court failed to conduct its own examination of the appeal before deciding to endorse the reasoning of the District Court.

10. The Court takes note also of the Government's argument that the applicant had the possibility of challenging the alleged nullity of the Regional Court's judgment in separate proceedings (see paragraph 6 above).

11. Accordingly, the mere fact that the Regional Court reproduced, almost verbatim, the lower court's reasoning on the merits of the case is not sufficient to render the domestic proceedings unfair within the meaning of Article 6 § 1 of the Convention.

12. This part of the application is thus manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

13. The applicant further complained under Article 10 of the Convention that the domestic courts had upheld her manager's claim for damages against her. She also relied on Article 1 of Protocol No. 1, arguing that, as a consequence, she had become liable to pay a substantial sum of money.

14. This complaint falls to be examined solely under Article 10 of the Convention (see *Marinova and Others v. Bulgaria*, nos. 33502/07 and 3 others, § 70, 12 July 2016).

15. The Government argued that the interference with the applicant's rights had been justified. They pointed out that the allegations made against S.A. had been serious and damaging, and the tort proceedings he had brought constituted the only means available to him to obtain redress.

16. The applicant disagreed. She argued that she had not disseminated her allegations against S.A. and that the domestic courts' alleged finding to the contrary had been unforeseeable. She maintained that the resulting interference with her rights under Article 10 of the Convention had therefore been disproportionate. The applicant further contended that the amount of compensation awarded against her had been excessive.

17. The parties did not dispute that the interference with the applicant's rights was in accordance with domestic law and in pursuit of legitimate aim, namely the protection of the reputation of S.A., as required under Article 10 § 2 of the Convention. The salient question is therefore whether the interference was "necessary in a democratic society", that is whether it was proportionate to the legitimate aims pursued, due regard being had to the national authorities' margin of appreciation in this domain.

18. The general principles governing such an assessment have been summarised, for instance, in *Morice v. France* ([GC], no. 29369/10, § 124, ECHR 2015). The Court has consistently held that its task under Article 10 is

to review the decisions of the competent national authorities in order to determine whether they applied standards consistent with the principles enshrined in that provision, and whether they based their decisions on an acceptable assessment of the relevant facts (see also *Marinova and Others*, cited above, § 85, and, as a more recent authority, *Danileţ v. Romania* [GC], no. 16915/21, § 169, 15 December 2025).

19. In the present case, the domestic courts examined the relevant circumstances in detail and reached well-reasoned conclusions. They did not impose liability merely because the applicant's allegations had proved unfounded; rather, they found that she had acted in bad faith and with the intention of causing harm to S.A., thereby abusing her right to lodge complaints with the competent authorities. In reaching these conclusions, the courts applied criteria derived from the case-law of the Bulgarian Supreme Court of Cassation concerning the circumstances in which complaints addressed to public authorities may amount to an abuse of rights (see paragraph 3 above). The courts also carried out a balancing exercise, in line with the standards established under Article 10, taking into account the applicant's conduct and the harm caused to S.A.

20. In view of the foregoing, the Court discerns no strong reasons to reach conclusions different from those of the domestic courts and to set aside the balancing done by them (compare, for instance, *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], no. 17224/11, § 121, 27 June 2017).

21. It follows that the interference with the applicant's rights under Article 10 of the Convention was proportionate to the legitimate aim pursued.

22. This part of the application is thus manifestly ill-founded as well, and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 1 October 2026.

Olga Chernishova Deputy Registrar	Darian Pavli President