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Human Rights Committee

Views adopted by the Committee under the Optional Protocol, concerning communication No. 3717/2020*,**

Communication submitted by:	Stojko Ivanov Stojkov (represented by counsel, Krassimir Kanev, Bulgarian Helsinki Committee)
Alleged victim:	The author
State Party:	Bulgaria
Date of communication:	18 December 2017 (initial submission)
Document references:	Decision taken pursuant to rule 92 of the Committee's rules of procedure, transmitted to the State Party on 10 March 2020 (not issued in document form)
Date of adoption of Views:	11 March 2026
Subject matter:	Denial of registration of a non-profit association
Procedural issues:	Admissibility – lack of substantiation; non-exhaustion of domestic remedies
Substantive issues:	Right to freedom of association; discrimination on the ground of ethnic origin
Articles of the Covenant:	2 (1) and 22
Articles of the Optional Protocol:	2 and 5 (2) (b)

1. The author of the communication is Stojko Ivanov Stojkov, a national of Bulgaria born on 16 April 1974. He claims that the denial of registration of a non-profit association called the Human Rights Protection Committee "Tolerance", due to the ethnic origin of the author, amounts to a violation of his rights to freedom of association under article 22, and to an equal enjoyment of rights under article 2 (1), read in conjunction with article 22 of the Covenant. The Optional Protocol entered into force for the State Party on 26 June 1992. The author is represented by counsel.

* Adopted by the Committee at its 145th session (2–19 March 2026).

** The following members of the Committee participated in the examination of the communication: Tania María Abdo Rocholl, Wafaa Ashraf Moharram Bassim, Rodrigo A. Carazo, Yvonne Donders, Carlos Ramón Fernández Liesa, Laurence R. Helfer, Konstantin Korkelia, Dalia Leinarte, Bacre Waly Ndiaye, Hernán Quezada Cabrera, Akmal Saidov, Ivan Šimonović, Soh Changrok, Tijana Šurlan, Teraya Koji, Hélène Tigroudja, and Imeru Tamerat Yigezu.

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Facts as submitted by the author

2.1 The author, who is a historian by profession, belongs to the Macedonian minority in Bulgaria. He identifies himself as co-president of the political party UMO Ilinden - PIRIN, which the Bulgarian Constitutional Court declared unconstitutional, and which was subsequently deregistered. The author has been among the founders of several non-profit organizations of ethnic Macedonians in the State Party, none of which was registered, due to the policy of denying the Macedonian ethnic identity.

2.2 On 20 October 2013, seven individuals including the author met to form a non-profit human rights organization, the Human Rights Protection Committee "Tolerance" (HRPCT), and adopted the organization's statute. All founders were ethnic Macedonians and most of them were founding members of other non-profit organizations and political parties, which were denied registration by the Bulgarian courts. The author was elected as chairperson of the managing board of the HRPCT. To ensure compliance of the statute with the Bulgarian law, the founders borrowed the provisions from already registered associations in the State Party, with similar goals.[1] The only relevant difference in the HRPCT's statute was a reference to the rights of the Macedonians in Bulgaria.

2.3 On 13 November 2013, the author and two other members of the managing board of the HRPCT filed an application to the Blagoevgrad Regional Court for registration of the HRPCT as an association under the Non-Profit Legal Entities Act (NPLEA). In the application, the petitioners stated the aims of the association, the means of achieving them, the sources of financing and other information required by the NPLEA. They enclosed the statute (Articles of Association), the minutes from the constituent assembly and paid the fee required for consideration of the application by the court. The author's application was not answered by the Blagoevgrad Regional Court for almost nine months. On 12 August 2014, the author received a notification dated 8 August 2014 from judge L.M. stating that the application was "left without movement" because the "organization's objectives and the means of their achievement were not described in sufficient detail" and that "not all details due to be included in the decision were stated". On 15 August 2014, the author and the other founders of the association met in an attempt to respond to the requirements of the Blagoevgrad Regional Court. They adopted detailed supplements to Articles 3 and 4 of the statute and decided that the association will supplement its request for registration. On 20 August 2014, the three members of the managing board filed a new, supplemented application, and paid again a fee for its consideration. On 22 October 2014, the same judge L.M. of the Blagoevgrad Regional Court issued a short decision rejecting the request for registration due to the contradictions of the application with several provisions of the NPLEA, namely articles 20, 34 and 38 (1). The decision only referred to the cited provisions, without further explanations of the reasons for rejection.

2.4 On 11 November 2014, the author and the other members of the managing board appealed the regional court decision to the Sofia Court of Appeal. They argued that the blanket referral by judge L.M. to the respective provisions of the NPLEA made it unclear what exactly was wrong with the statute and supporting documents, and which of the requirements of the cited articles were not met. They submitted that they had followed e.g. the statute of the Bulgarian Helsinki Committee, a registered organization, and had only added a mention to persons self-identifying as Macedonians. The author assumed that the reference to persons self-identifying as Macedonians in the statute is the real reasons and motives for the abnormal delay of the court proceedings and illegal decision of the judge. He also pointed at the numerous judgments of the European Court of Human Rights which found violations of the obligations by Bulgaria under the European Convention on Human Rights in cases related to the rights of the Macedonians.

2.5 On 11 August 2015, the Sofia Court of Appeal in its decision no. 1803 upheld the decision of the Blagoevgrad Regional Court, rejecting the appeal. It reasoned that it had to consider only those facts and circumstances that took place before the submission of the

[1] The author submitted that many provisions of the statute were borrowed from the statute of the Bulgarian Helsinki Committee, and from the statutes of other associations such as Health and Long Life, Bulgarian Human Rights, Bulgarian Energy and Mining Forum etc. The author provided weblinks to the statutes of the referred organizations.

original application. The Sofia Court of Appeal found that the information on the "unified citizen's numbers" of three of the founders was missing in the initial documents, which did not allow the court to verify whether the founders had full capacity to act. The court also found a contradiction between article 3 of the NPLEA and article 23 of the statute of the HRPCT regulating the property of the association, which appeared to the court to allow for commercial activities prohibited to non-profit associations. Judge I. of the panel, who served as judge-rapporteur, issued a dissenting opinion, contesting the conclusion of the Blagoevgrad Regional Court. According to her, "the inconsistencies pointed out by the first instance judge and shared by other members of the panel, are not of such a nature that do not meet the requirements of the NPLEA" and that the association could not be registered. The dissenting judge considered that "the objectives and means are precisely and clearly specified in the application. Address, names and positions of persons representing the non-profit legal entity, are also indicated." She referred to the relevant case law of the European Court of Human Rights, including judgments which found violations by Bulgaria of article 11 of the European Convention on Human Rights in cases that involved ethnic Macedonians. She specifically pointed to the requirements of necessity and proportionality of interference by the state into the right to freedom of association. In her view, "such interference by the denial of registration in this process was unjustified". The judgment of the Sofia Court of Appeal was final.

2.6 The author claims that, with the decision of the Sofia Court of Appeal of 11 August 2015, which became final, he has exhausted all available domestic remedies. The same matter has not been submitted to another procedure of international investigation or settlement.

Complaint

3.1 The author claims that the denial of registration of non-profit association called the Human Rights Protection Committee "Tolerance", which he represents, has violated the author's right to freedom of association under article 22 of the Covenant. He argues that the restrictions of this right were not provided by law, did not pursue a legitimate aim and were not necessary in a democratic society.

3.2 The author argues that the Bulgarian courts applied the law arbitrarily and the restrictions cannot be considered as "prescribed by law" within article 22 of the Covenant. The Blagoevgrad Regional Court provided no reasons for refusing registration of the HRPCT, given the absence of explanations how the draft statute of the association contradicted the Non-Profit Legal Entities Act (NPLEA). The court also failed to observe the obligations on establishing evidence in accordance with articles 533-535 of the Code of Civil Procedure as it did not seek evidence from other authorities in favor of the author, or invite the author for a hearing, and did not examine the author's additional submissions. While the Blagoevgrad Regional Court showed *pro forma* activity in instructing the applicant association to make certain amendments to its statute and application, it adopted its final ruling in complete disregard of the additional submissions as if they were not made.

3.3 In addition, the Sofia Court of Appeal without any justification considered only the facts and circumstances preceding the submission of the original application, and invented formalistic and unlawful grounds in denying registration of the HRPCT, in contradiction of the Code of Civil Procedure. As concerns the allegedly missing unified citizen's numbers of three of the founding members, those numbers are no indication whether the person concerned has legal capacity to act. If the absence of those identification numbers has been a problem at all, it could have been easily solved by the Blagoevgrad Regional Court by seeking the requisite information from the concerned authorities based on article 535 of the Code of Civil Procedure. Regarding the alleged contradiction between article 3 of the NPLEA and article 23 of the Articles of Association regulating the property of the association, this second ground for denial of registration of the association is also unlawful. The founders borrowed the provision of article 23 of the Articles of Association from the statutes of the above-mentioned non-governmental organizations, which have been legally registered in Bulgaria under the same procedure. If those provisions were unlawful, the Blagoevgrad Regional Court was obliged to recommend their removal from the statute of the HRPCT, which did not happen. Even if unlawful, as judge I. stated in her dissenting opinion, "in case of conflict with the law, the Articles of Association will not have legal effect partially only

regarding this norm. This part will be void." Even if assumed that the restriction of the author's right to freedom of association had been lawful, it had not pursued any of the legitimate aims specified in article 22 (2) of the Covenant. The restriction of the author's right was also grossly disproportionate, even if there were small irregularities in the documents, they were not of such a nature to justify a denial of a fundamental human right, which is guaranteed by both the Covenant and the Bulgarian Constitution. Therefore, there was a violation of article 22 of the Covenant since the restriction of the author's right to freedom of association had not been "prescribed by law", had not pursued a legitimate aim and was not necessary in a democratic society.

3.4 Furthermore, the author claims that, in exercising his right to freedom of association, he was subjected to discrimination on the ground of ethnic origin, contrary to article 2 (1), read in conjunction with article 22 of the Covenant. He asserts that the only difference between the HRPCT's statute and those of already registered associations is the former's reference to ethnic Macedonians, which points to the alleged discrimination. The author admits that the courts do not mention the founding members' Macedonian ethnic identity explicitly, to avoid being accused of discrimination. The two courts invented grounds for refusal of registration of the HRPCT, which they usually do not apply in the registration of other non-profit organizations, when they are not Macedonian. In that context, the author asserts that the Bulgarian authorities, since Bulgaria's independence, systematically deny the Macedonian ethnic identity as they consider Macedonians as Bulgarians and that Macedonia is a geographic region that ethnically belongs to Bulgaria. Since then, this has been the official policy of all subsequent governments, which has included routine denials of the existence in Bulgaria of persons with Macedonian ethnic identity, such as through denials of registrations of non-profit associations of ethnic Macedonians. The author also referred to some of the latest incidents of denials of registrations of associations of ethnic Macedonians. Finally, the author argued that no group in Bulgaria, ethnic or other, has suffered from such a systematic denial of their identity and their rights to assembly and to association as ethnic Macedonians.

State Party's observations on admissibility and the merits

4.1 On 15 May 2020, the State Party submitted its observations on admissibility and the merits.

4.2 As regards the admissibility, the State Party argued that the author has not exhausted all available domestic remedies. Although the decision of the Sofia Court of Appeal is final, it has not gained binding force yet. Furthermore, there are no limitations for the author to submit a new request for registration, after eliminating the shortcomings determined by the regional court in the original request and by complying with the requirements of the domestic law.

4.3 As to the merits, the State Party submitted that the author has not provided sufficient evidence to substantiate his allegations of a violation of article 2 (1) of the Covenant. The cited arguments regarding the alleged violation of the prohibition of discrimination quote other cases that are not applicable to the present case. Although the claims do not deny that the court's decision is not based on the ethnic identity of the founders of the organisation, namely Macedonian, the author made unfounded claims based on the court's decision to deny the registration. The author's arguments in his initial communication do not take into consideration the obvious reasons for the court's decision, including the breach of obligatory legal requirements for registration.

4.4 The State Party noted the author's assertion that his rights under article 22 of the Covenant were violated, since the limitations of the right of association have not been stipulated in the law, did not have a legitimate purpose and were not necessary in a democratic society. The State Party argued that the freedom of association is not an absolute right,[2] as it can be subject to certain legal limitations. As for the process of registration of the concerned

[2] The State Party referred to the Committee's views in *Katsora, Sudalenko and Nemkovich v. Belarus* (CCPR/C/100/D/1383/2005); *Mikhailovskaya and Volchek v. Belarus* (CCPR/C/111/D/1993/2010); *Kalyakin v. Belarus* (CCPR/C/112/D/2153/2012) and *Romanovsky v. Belarus* (CCPR/C/115/D/2011/2010).

non-profit organization, the Blagoevgrad Regional Court refused registration for non-compliance with the mandatory requirements, including the specification of the organisation's activities and the content of the draft statute of the organization, under articles 20, 34 and 38 (1) of the Non-Profit Legal Entities Act (NPLEA).

4.5 The decision of the Blagoevgrad Regional Court was appealed to the Sofia Court of Appeal, which upheld the first instance decision and provided additional arguments confirming the ruling. The decision is based on a violation of article 5, in connection with article 19 (2) of the NPLEA, which require that there must be at least 7 founders of a non-profit organisation. It was established that three of the persons, designated as founding members in the filed documents, had not specified their Unified Citizen Number, which has made their identification impossible, and their freedom of will (if they are competent and have full legal capacity) could not be ascertained either. The court concluded that the capacity of the three founding members to express their will freely has not been established, due to the missing information. It represented a substantial defect in founding the non-profit organization.

4.6 The Court also found a violation in article 23 of the draft statute of the HRPCT of the requirements of article 3 of the NPLEA, which prohibits the participation of non-profit organizations in commercial activities. The draft statute has provided that "*…the property of the committee consists of ... securities, shares in capital companies and other rights and obligations*", which is in contradiction of the law. According to the NPLEA, any commercial activities of a non-profit organization may only be linked to the subject of the organization's main activities, for which it had been registered. The reason lies in the different taxation and financial control requirements as regards trade organizations and non-profit organizations. Such legal requirement is meant to prevent hidden trade activities on part of an organization registered as non-profit and cannot be circumvented.

4.7 Concerning the element of necessity of the legal requirements, also interpreted as proportionality of their legal purpose, the State Party pointed out that similar requirements regarding identification and non-involvement in specialized trade activities are present in the laws of most other European countries. The court based its decision on substantial formal deficiencies which made the lawful registration impossible. The narrow prerequisites for the successful enjoyment of the right to freedom of association can hardly be viewed as arbitrary. The State Party added that its laws are in line with the existing jurisprudence of the European Court of Human Rights on article 11 of the European Convention on Human Rights. The content of the present case does not reveal any connection to the case of *UMO Ilinden v. Bulgaria* before the European Court. The State Party concluded that the claims of a violation of article 22 and of article 2 (1), read in conjunction with article 22 of the Covenant, are unfounded.

Author's comments on the State Party's observations

5.1 On 19 October 2020, the author submitted his comments on the State Party's observations.

5.2 As regards the State Party's alleged non-exhaustion of domestic remedies, the author raised two objections. First, he questioned the alleged non-binding force of the ruling of the Sofia Court of Appeal, considering such objection as unfounded. The Sofia Court of Appeal decision is binding as it rejected the incorporation of the HRPCT, based on the statute that the founders adopted on 20 October 2013 and presented to the courts. Second, he objected to the argument by the Government which it already advanced before the European Court of Human Rights in the case which involved the refusal by the Bulgarian courts to register another Macedonian organization, *UMO Ilinden*, in 2002-2004. In that case, the European Court rejected the Government's argument that the association, registration of which was rejected, could reapply for registration. The Court considered the refusals to register the association as interference with the right to freedom of association. Separate subsequent registration proceedings were considered of no relevance for the exhaustion of domestic remedies.[3]

[3] ECtHR, *United Macedonian Organisation Ilinden and Others v. Bulgaria* (No. 2), No. 34960/04,

5.3 The legal situation in the present case is identical. The author complains of interference with his rights because of the refusals of the Bulgarian courts to register the HRPCT. The possibility to re-apply for registration is of no relevance for the exhaustion of domestic remedies also in the present case. The State Party's objections to the admissibility of the communication should hence be rejected.

5.4 As concerns the Government's objections to the merits, due to the alleged prohibition of commercial activities for the non-profit organizations, the author emphasized a distinction between article 3 of the NPLEA, which refers to "activities', whereas article 23 of the HRPCT statute talks about "property". He added that the law does not treat income from e.g. inherited shares or securities, or renting of office space, as commercial activities, which would be prohibited. In fact, many NGOs in Bulgaria undertake such activities since the NGOs are not obliged to sell or otherwise dispose of any income-generating property. The important fact is that the NGO is non-profit, i.e. that it does not distribute a profit among its members at the end of the year but uses the income to pursue its goals. The author argues that article 23 of the HRPCT statute sets out that securities and shares in capital companies, which the association intends to own as its property, are unrelated to its main activities.

5.5 Furthermore, the Government in its observations does not address the obvious double standard applied by the Bulgarian courts regarding the registration of the HRPCT compared to other non-profit organizations. In the initial communication, the author offered proof that the HRPCT borrowed the provisions on its property from two associations, which had been and continue to be registered in Bulgaria: The Bulgarian Human Rights and the Bulgarian Energy and Mining Forum. The author also noted similar provisions in the statutes of several other non-profit organizations, all of them registered and active in Bulgaria for many years.[4] In the dissenting opinion annexed to the Sofia Court of Appeal, Judge I. stated that "in case of conflict with the law, the Articles of Association will not have legal effect partially regarding only this norm. This part will be void." The author added that the Blagoevgrad Regional Court did not find a contradiction between article 23 of the HRPCT statute and article 3 of the NPLEA and did not issue instructions for rectification. He further noted that the decision of both the Blagoevgrad Regional Court and the Sofia Court of Appeal had a subsequent discriminatory purpose as the refusal to register the HRPCT was due to its stated goals – to protect the rights of the Macedonians, which the Government refuses to recognize. The author pointed out the practice of systematic denial of the Macedonian ethnic identity, referring to numerous refusals to register Macedonian organizations by the Bulgarian authorities. In view of the author, there were no objective reasons to refuse registration of the HRPCT in flagrant contradiction with the established jurisprudence of the Bulgarian courts.

5.6 Since 2016, the situation concerning the recognition of the Macedonian minority and the registrations of Macedonian organization in Bulgaria has not improved but deteriorated. The author referred to the increased number of complaints before the European Court of Human Rights and related judgments, finding a violation of article 11 of the European Convention on Human Rights given that the refusals by the Bulgarian courts to register such associations increased. The author also emphasized that the Committee of Ministers of the Council of Europe decided to enhance its supervision of the implementation of judgments in such cases, due to the systematic failure of the Bulgarian authorities to implement those judgments.[5]

5.7 The author finally argued that he was discriminated against because of his Macedonian ethnic identity, and because of his association with the HRPCT which aims at protecting the rights of the Macedonians in Bulgaria. He and the HRPCT were treated less favourably in a similar situation when compared with other registered non-profit

Judgment of 18 October 2011, para. 27.

[4] A reference has been made e.g. to the Club 9000, Bulgarian Glaucoma Association, Charles Perrault Association and the Association of Trainers and Researchers in Bulgaria in General Medicine, some of which had even a profit-making purpose.

[5] Committee of Ministers, Interim Resolution CM/ResDH(2020)197, 1 October 2020. See also European Parliament, Resolution 2020/2793(RSP) of 8 October 2020 on the rule of law and fundamental rights in Bulgaria, in which it called on the Bulgarian government to take all the necessary measures to safeguard the rights of minorities effectively, including the freedom of association, including through the implementation of the ECtHR judgments on Macedonian cases.

organizations. In such circumstances, the burden of proof should be shifted to the Government which has to demonstrate that the equality of treatment had been respected in the present case. The author added that the State Party in its observations did not provide any justification for the difference of treatment. He invited the Committee to find a violation of article 22, and of article 2(1), read in conjunction with article 22 of the Covenant.

State Party's further observations on admissibility and the merits

6.1 On 10 February 2021, the State Party submitted that the author's comments do not raise additional arguments, reiterating its initial observations.

6.2 The State Party asserted that the decision of the Blagoevgrad Regional Court, dated 22 October 2014, as confirmed by the Sofia Court of Appeal, stated the reasons for denying the registration of the Human Rights Protection Committee "Tolerance". Those reasons, except the grounds related to the lack of fulfilment of the formal legal requirements, are of different nature and do not coincide with the cited jurisprudence of the European Court of Human Rights. It also argued that the present complaint relates to the process of registration of an organisation in the Registry of Non-Profit Legal Entities before this procedure was revised and amended in 2016, and that the new registration procedure before the Registry Agency offers more opportunities for entities to obtain legal status.

6.3 Furthermore, the State Party reiterated that the decision of the Sofia Court of Appeal, which upheld the denial of registration of the HRPCT, has not been final and the author had the opportunity to file a new request before the Registry Agency. Moreover, the decisions of the Registry Agency, which denied registration, are newly subject to a judicial control pursuant to article 25 of the Law on the Trade Register and the Register of Non-Profit Legal Entities. Such judicial control of administrative decisions involves two instances; a review by the first instance court, which can be appealed to the court of appeal, which decision is then final.

6.4 Finally, the State Party reiterated that the author's claims of a violation of article 22, and of article 2 (1), read in conjunction with article 22 of the Covenant, have been unfounded.

Issues and proceedings before the Committee

Consideration of admissibility

7.1 Before considering any claims contained in a communication, the Committee must decide, in accordance with rule 97 of its rules of procedure, whether the communication is admissible under the Optional Protocol.

7.2 The Committee has ascertained, as required under article 5 (2) (a) of the Optional Protocol, that the same matter is not being examined under another procedure of international investigation or settlement.

7.3 The Committee recalls its jurisprudence to the effect that authors must avail themselves of all domestic remedies in order to fulfil the requirement of article 5 (2) (b) of the Optional Protocol, insofar as such remedies are effective and available to the author.[6] The Committee takes note of the State Party's argument that the author has not exhausted all available remedies since the decision of the Sofia Court of Appeal, although considered final, has not reportedly entered into legal force, and the author could resubmit a request for registration of the HRPCT as an association under the amended law. However, the author has established that he duly pursued judicial proceedings before the Blagoevgrad District Court and the Sofia Court of Appeal, both of which denied the request for registration of the HRPCT, and their respective rulings were forwarded to the author and other members of the managing board. In that context, the Committee observes that the State Party has not sufficiently explained that the domestic remedies were effective. The Committee considers that the author resorted to available domestic remedies; he appealed the negative decision of the Blagoevgrad Regional Court, which rejected the request for registration of the HRPCT, but

[6] See e.g. *Lazarov and Lazarov v. Bulgaria* (CCPR/C/137/D/3171/2018), para. 7.3; *Vanchev v. Bulgaria* (CCPR/C/130/D/2820/2016), para. 6.3; and *Naidenova et al. v. Bulgaria* (CCPR/C/106/D/2073/2011), para. 13.5.

his claims on appeal were unsuccessful and the Sofia Court of Appeal upheld the regional court decision (see para. 2.5 above). Accordingly, the Committee concludes that the examination of the author's claims is not precluded by the requirements of article 5 (2) (b) of the Optional Protocol.

7.4 The Committee considers that the author's claims under article 22 of the Covenant have been sufficiently substantiated for the purposes of admissibility. It therefore declares those claims admissible and proceeds to their consideration on the merits. The Committee however considers that the author has not sufficiently substantiated his claims under article 2 (1), in conjunction with article 22 of the Covenant, as those have been too general, without appropriate evidence.[7] Accordingly, the Committee finds this part of the communication inadmissible, pursuant to article 2 of the Optional Protocol.

Consideration of the merits

8.1 The Committee has considered the communication in the light of all the information made available to it by the parties, as provided for under article 5 (1) of the Optional Protocol.

8.2 The issue before the Committee is whether the rejection of the author's application for registration of a non-profit association HRPCT amounted to a violation of the right to freedom of association under article 22 of the Covenant.

8.3 The Committee notes the author's claim that the application for registration of the association HRPCT, he submitted on behalf of the founding members of the association, all of whom consider themselves as belonging to the Macedonian ethnicity, was rejected unlawfully by the Blagoevgrad Regional Court and the Sofia Court of Appeal. The Committee also notes the author's claim that the restrictions of the author's right to freedom of association were not prescribed by law, were not proportionate as they did not pursue a legitimate aim and were not necessary in a democratic society. It also notes the State Party's observations that the restrictions applied in the context of the assessments of the application for registration of the HRPCT and, consequently, on the author's rights were prescribed by law, pursued the legitimate aim of protecting the rights and freedoms of others and were proportionate to the legitimate aim pursued (paras. 4.4-4.5 above). The Committee also notes the State Party's assertion that the author and other founding members could resubmit the application for registration of the association with supplemented information, in compliance with the NPLEA, including the correct Unified Citizen Numbers of all the founding members and an indication of a lawfully permissible property of the association, defined in its statute (Articles of Association).

8.4 Pursuant to article 22 (2) of the Covenant, any restriction on the right to freedom of association must meet the following conditions: (a) it must be prescribed by law; (b) it must be imposed only for one of the purposes set out in article 22 (2); and (c) it must be "necessary in a democratic society" for achieving one of those purposes. The reference to "a democratic society" in the context of article 22 indicates that the existence of associations that peacefully promote ideas of tolerance and coexistence of various ethnic groups, even if their views are not shared by the authorities or the majority of the population, is the cornerstone of any society.[8] The Committee also recalls its jurisprudence that the possibility to apply for registration of a human rights organization should remain within the discretion of every individual, and falls within the scope of article 22 of the Covenant, and that the authorities should facilitate the establishment and functioning of associations.[9]

8.5 In the present case, the Committee considers that the Blagoevgrad Regional Court and subsequently the Sofia Court of Appeal based their decisions to deny the application for registration of the association on the information contained in the original application, disregarding the supplementary information including on the identification of all the founding members. The courts did not seek complementary evidence from other State

[7] Cf. *Poliakov v. Belarus* (CCPR/C/111/D/2030/2011), para. 7.4.

[8] E.g. *Yurlov, Beklyaev and Nesterov v. the Russian Federation* (CCPR/C/139/D/2925/2017), para. 9.8, and *Mullina, Mullina and Lukmanova v. Uzbekistan* (CCPR/C/138/D/3025/2017 and CCPR/C/138/D/3037/2017), para. 8.12.

[9] See *Yurlov, Beklyaev and Nesterov*, paras. 9.8-9.9; and *Pavlenko, Kondratenko and Baryshev v. Russian Federation* (CCPR/C/139/D/2765/2016), paras. 10.9.-10.10.

authorities to verify the identification numbers of all founding members. The Committee also considers that the courts did not include an explanation as to how the provisions of the NPLEA were not respected, nor did they seek a rectification of the disputed provision in article 23 of the HRPCT's statute concerning the proposed property of the association for alleged contradiction with the NPLEA. In addition, the Committee notes that the State Party has not explained why the refusal to register the association constituted a necessary and proportionate restriction of the author's right to freedom of association. The Committee accordingly finds that the grounds for rejection of the application for registration of the association were excessively formalistic and hence amounted to disproportionate and unnecessary restrictions since the courts did not provide a valid legal justification of the restrictions applied, therefore not meeting the criteria contained in article 22 (2) of the Covenant.[10] The Committee therefore finds that the State Party violated the author's right to freedom of association under article 22 of the Covenant.

9. The Human Rights Committee, acting under article 5 (4) of the Optional Protocol, is of the view that the facts before it disclose a violation by the State Party of the author's rights under article 22 of the Covenant.

10. Pursuant to article 2 (3) (a) of the Covenant, the State Party is under an obligation to provide the author with an effective remedy. This requires it to make full reparation to individuals whose Covenant rights have been violated. Accordingly, the State Party is obligated: (a) to review the decisions of the Blagoevgrad Regional Court and of the Sofia Appeals Court which denied the registration of the HRPCT, in accordance with article 22 of the Covenant; and (b) to provide the author with adequate compensation, including reimbursement of the court fees and legal expenses he has incurred. The State Party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future.

11. Bearing in mind that, by becoming a party to the Optional Protocol, the State Party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant and that, pursuant to article 2 of the Covenant, the State Party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy when it has been determined that a violation has occurred, the Committee wishes to receive from the State Party, within 180 days, information about the measures taken to give effect to the Committee's Views. The State Party is also requested to publish the present Views and to have them widely disseminated in the language of the State party.

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[10] E.g. *Romanovsky v. Belarus* (CCPR/C/115/D/2011/2010), paras. 7.3.-7.4. See also the Concluding observations on the fourth periodic report of Bulgaria (CCPR/C/BGR/CO/4), paras. 35 and 36 e).