

## NEWS REPORT

**Date:** 11 March 2009  
**Expert:** Margarita Ilieva  
**Title:** Liability for inaccessible public building  
**Country:** Bulgaria

### Context

**Issue at stake:** Inaccessible polling station  
**Ground of discrimination:** Disability  
**Source:** Supreme Court decision N 2518 of 24.02.2009  
**Field:** Access to goods and services (architectural accessibility for people with disabilities)  
**Legislative provisions:** Protection Against Discrimination Act, art. 5;  
Integration of Persons with Disabilities Act, art. 33

### Content

**Case/law/political development:** The equality body sanctioned the Minister of State Administration and Administrative Reform for a breach of the statutory duty to create an accessible environment for persons with disabilities. The case was brought by a wheelchair user. The impugned conduct was inaction with regard to the inaccessibility (stairs) of a polling station for the Presidential elections of 2006. The equality body imposed a fine of 1000,00 EUR on the Minister for failing to remove the architectural barriers.

**Decision of the Court:** The Supreme Court repealed the equality body's decision because it considered the Minister was not liable. The court held that the statutory duty to ensure accessibility only bound the proprietor or manager of the respective building, and the Minister was not in charge of the polling station (another authority was).

### **Internet link source and additional information:**

<http://www.sac.government.bg/court22.nsf/d6397429a99ee2afc225661e00383a86/c8a425aa20dd1e15c2257566002fc1b2?OpenDocument> (password required, in Bulgarian)

