

REVIEW

By Professor Ekaterina Mihaylova, PHD, New Bulgarian University

internal member of the scientific jury, appointed by the Rector of New Bulgarian University with Order No. 3-PK-220/19.06.2026 for the procedure of defense of dissertation on the topic:

“PROTECTION OF THE FUNDAMENTAL RIGHTS OF LGBTI PEOPLE IN THE
CONSTITUTIONAL FRAMEWORK OF BULGARIA”

for awarding the educational and scientific doctoral degree in the scientific field of “Constitutional law”, professional field 3.6. Law, to the candidate Filip Robert Samuilov

I. Overview of the procedure. Brief biographical data

Within the procedure for obtaining the scientific and educational doctoral degree Filip Robert Samuilov has submitted a dissertation for evaluation entitled “Protection of the Fundamental Rights of LGBTI People within the Constitutional Framework of Bulgaria.” He was enrolled as a full-time doctoral student in independent study in the Law department at New Bulgarian University, under the supervision of Associate Professor Deyana Marcheva, PhD. The dissertation work has been scheduled for a public defense before a scientific jury by Order 3-PK-220/19.06.2026 of the Rector of New Bulgarian University.

The scientific jury has been provided with a set of documents and materials necessary to conduct the public defense in accordance with the Act on Development of the Academic Staff in the Republic of Bulgaria, the Regulation for Implementation of this Act, the Regulation on the Development of the Academic Staff of New Bulgarian University and all other relevant rules and all other relevant regulations. New Bulgarian University has an accredited doctoral program in Constitutional Law. In accordance with the internal regulations of NBU, an internal defense was held before the Council of the Law Department, and the doctoral student was approved for defense. In compliance with the minimum national requirements for obtaining the scientific and educational doctoral degree the candidate Filip Samuilov has submitted a dissertation compliant with the requirements of Article 27 of the Regulation for Implementation of the Act on Development of the Academic Staff in the Republic of Bulgaria, including a declaration of originality.

Doctoral student Filip Samuilov has fulfilled the scientometric requirements under group of indicators G by presenting 3 articles published in refereed journals with scientific peer review or in edited collective volumes and 1 study in preprint approved for publication, thus accumulating the required points.

1. Discrimination Based on Sexual Orientation and Gender Identity in Bulgaria. Collection of Papers from the International Scientific Conference, April 19–20, 2024, NBU. Protection Against Discrimination in Bulgaria, Europe, and the World. Forum Series "Legal Studies". Book Three. Sofia: New Bulgarian University, 2025, pp. 440-453 (in Bulgarian).
2. Legal-Historical Review of the Rights of LGBTIQ+ during the 19th and 20th Centuries in the Territory of Present-Day Republic of Bulgaria. Yearbook of the Department of Law at New Bulgarian University 2023: Twelfth Year. Sofia: New Bulgarian University, 2024, pp. 176-195(in Bulgarian).

3. Domestic Violence in Same-Sex Couples. The Reform of Protection Against Domestic Violence. Collection of Papers from a Scientific Conference. Sofia: Bulgarian Academy of Sciences. Institute of the state and law, 2024, pp. 231–245 (in Bulgarian).
4. From Legal Vacuum to Self-Determination: A Comparative Analysis of the Legal Recognition of Gender in Bulgaria and Germany. Yearbook of the Department of Law at New Bulgarian University 2024: Thirteenth Year. Sofia: New Bulgarian University Press, 2026. (in Bulgarian) (under print)

Filip Robert Samuilov obtained a Master's degree in Law from NBU in 2022 and a Master's degree in Human Rights and the Rule of Law from the University of Miskolc in Budapest, Hungary, in 2025. He taught seminar exercises in International Public Law at NBU during the 2025 academic year. From 2023 to 2024, he worked as a legal expert at the LGBTI organization Action – Sofia, Bulgaria. He has participated in national and international conferences and roundtables, presenting legal-themed papers, some of which are related to the topic of his dissertation. He is proficient in German, English, and Russian.

II. General characteristics and structure of the dissertation

The dissertation is entitled "Protection of the Fundamental Rights of LGBTI People within the Constitutional Framework of Bulgaria." Its total length is 292 pages, structured into an introduction, three parts, six chapters, and a conclusion. The bibliography covers 384 sources, including 295 English-language, 75 Bulgarian, 11 German, and others in different languages. The work utilizes 189 articles from refereed publications, 88 monographs and textbooks, 46 articles and studies in collective works, as well as 45 institutional reports and 16 specialized manuals. Case law is presented in a separate section — supranational practice, including 38 acts of the European Court of Human Rights (ECHR) and 28 acts of the Court of Justice of the European Union (CJEU), and constitutional jurisprudence — 12 rulings of the Bulgarian Constitutional Court and 13 rulings of the Federal Constitutional Court of Germany. Judicial activities have also been examined — 98 Bulgarian court decisions and one decision of the German Federal Court of Cassation, focusing on anti-discrimination law, refugee law, family law, and proceedings concerning the legal recognition of gender.

The Abstract reliably reflects the structure and content of the dissertation.

The bibliography and case law used are impressive in both volume and scope. This demonstrates the doctoral candidate's serious and thorough approach to the research conducted, making it exceptionally valuable for researchers and practicing lawyers.

III. Relevance and significance of the research problem

The topic of the dissertation is undoubtedly timely, yet it remains insufficiently researched and systematized. The proposed dissertation offers a critical analysis of the deficiencies in the legal protection of the fundamental rights of LGBTI people within the constitutional framework of the Republic of Bulgaria. The study examines a specific constitutional paradox – on the one hand, universal guarantees of equality and the inviolability of human dignity are formally declared, as proclaimed in Article 6 of the Constitution, while on the other hand, these rights encounter institutional discrimination and normative exclusion. According to the author, this contradiction between formal law and actual implementation leads to the deprivation of constitutional rights for a significant group of Bulgarian citizens.

The dissertation provides a historical overview of the Bulgarian constitutional and legal order concerning the topic, beginning with the Third Bulgarian State, its transformation into a totalitarian state, and subsequently its development under the 1991 Constitution. Based on this historical review, the author posits that the lack of effective legal and institutional protection for LGBTIQ+ people is not due to sporadic legislative omissions but is the result of a systemic phenomenon whose genesis lies in Bulgarian legal doctrine and judicial practice.

The work analyzes the role of the Constitutional Court, which affirms the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights - ECHR) as the basic standard for assessing national legislation; it also examines conflicts and tensions in the protection of LGBTIQ+ rights arising from contradictions between national regulatory frameworks and judicial practice, on the one hand, and obligations in the field of human rights and EU law, as interpreted in the supranational jurisprudence of the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU).

The relevance of the topic is supported by the growing divergence between the practices of the ECtHR and the CJEU and that of the national institutions in Bulgaria, which has thus placed the latter under increased scrutiny by the Committee of Ministers of the Council of Europe. The topic is also current due to the practice of the Constitutional Court of the Republic of Bulgaria during the period 2018–2021, including Decision No. 13/2018 and Decision No. 15/2021 of the Constitutional Court. The importance of the work is further underlined by the doctoral candidate in relation to the legislation enacted with the amendments to the Preschool and School Education Act in 2024.

Doctoral candidate Filip Samuilov advances the thesis in his work that, in recent years, based on the decisions of the Constitutional Court, legislation, and court practice in Bulgaria, a so-called doctrine of traditional values and traditional society has been formalized and started to be implemented. This doctrine is used to justify the denial of fundamental rights of LGBTI people and undermines the foundations of the democratic and rule-of-law state. These are his arguments for the necessity of an in-depth legal analysis that proposes conceptual solutions for overcoming this doctrine and restoring legal certainty.

IV. Aims, objectives and methodology of the research

The doctoral candidate formulates the primary goal of his dissertation as conducting a comprehensive and critical legal analysis of the normative deficits and doctrinal gaps in the constitutional protection of the fundamental rights of LGBTI people in the Republic of Bulgaria. It should be noted that the study goes beyond a review of the applicable law and aims, through clarification of theoretical and historical prerequisites, to formulate proposals for overcoming the existing legal uncertainty and ensuring the principle of equality. The author skillfully employs the tools of deconstruction and queer theory within the field of constitutional law, and through a legal-historical analysis of the normative framework, examines the influence of previous repressive regimes on the contemporary institutional environment. At the same time, the scholarly analysis is transferred to a supranational and comparative law level. This is achieved, on the one hand, through vertical comparison of the national legal order with the standards of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR), and on the other hand, through horizontal comparison of regulatory models in other member states.

Based on a theoretical, historical, and comparative foundation, doctoral candidate Filip Samuilov undertakes a critical analysis of the current Bulgarian constitutional and legislative

framework, focusing on identifying gaps in the law and normative conflicts. This allows him to logically conclude by systematizing the scientific findings and formulating concrete *de lege ferenda* proposals aimed at developing a legal model for legislative changes that would align the Bulgarian legal order with the country's international obligations and provide effective constitutional guarantees for all citizens.

The study employs a methodological framework that combines classical legal-dogmatic instruments with a critical theoretical apparatus. It is grounded in a socio-legal approach, which allows law to be analyzed not as a closed system but as a normative order deeply rooted in the social context and power structures. This enables the investigation of normative silence and the identification of how the absence of regulation serves as a tool for normative exclusion.

Furthermore, to ensure the completeness of the analysis, the study integrates complementary methodological tools—a parallel legal-historical approach, comparative law, and casuistic methods. The validity of the conclusions drawn is secured by applying these three main methods for cross-verification of the data.

V. Main contributions and results

The dissertation demonstrates the ability to conduct extensive, comprehensive independent research on the topic under study. The main scientific-theoretical contributions I would highlight are:

- ✓ A thorough historical-legal study of the status of LGBTI people in Bulgaria;
- ✓ A comparative-constitutional study of selected legal systems from Western and Eastern Europe;
- ✓ The undertaking of a casuistic analysis of current judicial practice;
- ✓ The development of a new, two-dimensional—horizontal and vertical—analysis for Bulgarian legal science.

I consider the proposed practical scientific contributions (*de lege ferenda* proposals), as formulated by Philip Samuilov, to be well-argued:

- ✓ In family law: overcoming the normative vacuum and adopting a special law on civil unions or registered partnerships;
- ✓ In the field of substantive criminal law: overcoming the fragmented protection against hate crimes by supplementing the relevant qualified offenses in the Penal Code;
- ✓ In the field of educational legislation: repealing the discriminatory provisions in the Preschool and School Education Act (State Gazette, Issue 69 of 2024).

V. Evaluation of publications and authorship

All the articles provided by Philip Samuilov pertain to the topic of his dissertation. Three of the articles have been published—two of them in collections from scientific conferences and one in the NBU Yearbook, which is indexed in the Central and Eastern European Online Library (CEEOL) and included in the National Reference List of Contemporary Bulgarian Scientific Publications with Peer Review, maintained by the Ministry of Education and Science through the National Center for Information and Documentation.

The submitted study, which has not yet been published but is forthcoming, is also on the topic

of the dissertation and is scheduled for publication in a peer-reviewed edition.

VI. Notes and recommendations

I have known Philip Samuilov since he was a student, and I have also observed him during his doctoral studies. My impressions are of a serious, thorough young man who makes systematic efforts to acquire knowledge. I believe that his knowledge, ambition, and diligence provide a good foundation for the development of a scientific career in the future.

I recommend that Philip Samuilov prepare and publish his dissertation as a standalone publication, as it will be valuable for practicing lawyers in the country.

VII. Conclusion

Based on the above, I give ***a positive assessment*** and propose that the scientific jury to vote for awarding the educational and scientific doctoral degree in Constitutional Law, professional field 3.6. Law, to the candidate Filip Robert Samuilov.

12.08.2026

Professor Ekaterina Mihaylova, PhD