

OPINION

by

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Associate Professor at New Bulgarian University (NBU),

in Professional Field 3. Social, Economic, and Legal Sciences,

Professional Field 3.6. Law (International Law and International Relations),

regarding the scholarly works submitted for the acquisition of the educational and scientific
degree of "Doctor"

in Professional Field 3.6. Law (Constitutional Law) at NBU

by

PhD candidate Filip Robert Samuilov

1. Significance of the Research Problem from a Scientific and Applied-Scientific Perspective

The PhD thesis presented for the acquisition of the educational and scientific degree of “PhD in Law” is entitled “Protection of the Fundamental Rights of LGBTI Persons within the Constitutional Framework of Bulgaria.”

The topic of the work under consideration is of fundamental importance in the 21st century, as it is regarded as one of the indicators of the rule of law, the development of democratic values, and the protection of human dignity in any modern democratic society.

Given the broad scope of the issues raised and the various levels of legal regulation involved (international law, European union (EU) law, or national legal systems), the topic has been narrowed to an analysis of rights derived from the Constitution of Bulgaria in force as of 2026, which aims to ensure that no group of persons is left without legal protection.

I will briefly outline some of the significant aspects of the PhD thesis topic as thus formulated:

1. Universality of fundamental human rights and equality of individuals before the law.
2. Non-discrimination based on personal and social characteristics.
3. Protection of individual human dignity as a supreme value in modern law.
4. Principle of legal certainty and the right of individuals to private and family life.
5. Protection of individuals against violence and hate speech motivated by homophobia or transphobia.
6. The international/supranational context of legal integration, primarily within the EU but also in other international structures (such as UN, the Council of Europe, etc.).

7. The obligation of states to provide a legal form of recognition and protection for same-sex partnerships.
8. Respect for leading global legal standards, social cohesion, economic progress, and other similar considerations of public interest.

2. Justification of the Aims and Objectives of the PhD Thesis

The PhD thesis under review, entitled “Protection of the Fundamental Rights of LGBTI Persons within the Constitutional Framework of Bulgaria“ spans nearly 300 pages. It can undoubtedly be described as the first comprehensive and in-depth study of this subject within this area of Bulgarian constitutional law.

The author identifies the primary objective of the work as “conducting a comprehensive and critical legal analysis of the regulatory deficiencies and doctrinal gaps regarding the constitutional protection of the fundamental rights of LGBTI persons in the Republic of Bulgaria.” In my view, this stated objective has been successfully achieved, as the study goes well beyond a standard descriptive overview of current national law, aiming instead to elucidate the profound theoretical and historical underpinnings that give rise to such deficiencies. Ultimately, the author formulates scientifically grounded proposals to overcome existing legal uncertainty and to effectively guarantee the principle of equality. To achieve the stated primary objective of the study, the author follows a logical progression of interconnected steps. Central to the legal analysis is the precise clarification of concepts and definitions, which subsequently serve as the foundation for the analytical framework.

3. Alignment of the Selected Research Methodology and Methods with the Stated Aim and Objectives of the PhD Thesis

The author sets out to conduct what is essentially the first comprehensive legal analysis of the normative and doctrinal gaps in the constitutional protection of the fundamental rights of LGBTI persons in Bulgaria. To this end, it is necessary to clarify the various theoretical and historical factors underlying such deficiencies, with a view to further eliminating any grounds for legal uncertainty.

Based on the issues outlined, the primary objective of this PhD thesis is to conduct a comprehensive legal analysis of the normative and doctrinal gaps in the constitutional protection of the fundamental rights of LGBTI persons in Bulgaria. The study goes beyond a mere review of legislation currently in force in Bulgaria; it seeks to elucidate the theoretical and historical underpinnings of these gaps in order to formulate scientifically grounded proposals for improving and modernizing the domestic legal framework, thereby addressing legal uncertainty.

To achieve this objective, the study follows a structured, multi-step approach:

1. clarification of the relevant legal terminology, doctrine, and case law;
2. examination of the impact of repealed legal regimes on the current legal environment in this area, based on the evolution of the legal status of LGBTI persons in Bulgaria;
3. an attempt to assess the conformity of domestic law with contemporary supranational legal standards (at the EU or Council of Europe level) through comparative analysis (involving both national and supranational law).

Based on his critical analysis of the current Bulgarian constitutional and regulatory framework, the author largely achieves their initial objective by formulating specific *de lege ferenda* proposals and presenting a comprehensive concept for legislative amendments aimed at refining and modernizing the domestic regulatory framework in line with supranational standards in this area.

4. Scientific and Applied Scientific Contributions of the PhD Thesis (Description and Assessment), Including the Presence of an Original Contribution in This Area

The following can be highlighted as indisputable scientific contributions of the PhD thesis under review:

1) Clarification of the conceptual and terminological framework in this area under study, with the aim of preventing legal uncertainty.

2) A synthesis of the doctrine available at the time of the study (an impressive number of doctrinal sources have been utilized—384 in total, predominantly in English (295), supplemented by literature in Bulgarian (75), German (11), and other foreign languages). In addition to monographs, textbooks, and articles, I also welcome the author's reference to a large number of institutional reports and specialized manuals.

3) reliance to a significant extent on the case law of supranational and national courts, including rulings by the EC/EU Court, the ECtHR, and the Bulgarian Constitutional Court, as well as the German Federal Constitutional Court;

4) furthermore, judicial practice at a lower level is examined through references to 99 decisions by national courts—including one ruling by the German Federal Court of Justice and 98 rulings by Bulgarian courts.

5) Thus, a significant number of *de lege ferenda* proposals—substantial enough for a research study of this nature—are formulated to update and modernize the flawed legal environment concerning LGBTI persons in Bulgaria across various areas of law.

5. Assessment of Publications Related to the PhD Thesis: Number and Nature of the Edited Works in Which they Have Been Published

Based on the regulatory requirements of the legal framework currently in force in Bulgaria (the Act on the Development of the Academic Staff, the Regulations for its implementation, and the Ordinance on the Development of the Academic Staff at NBU) and taking into account the information provided by the candidate, a well-founded conclusion can be drawn that Filip Robert Samuilov meets the prescribed requirements regarding publications related to the PhD thesis. As the editor-in-chief of the Yearbook of the Department of Law of NBU—an authoritative publication with a long-standing reputation in which two of the candidate’s works have appeared—I can confidently express my satisfaction with the candidate’s high level of linguistic and academic writing proficiency. In my opinion, many of the more distinguished authors in academia fail to meet the high standard set by the PhD candidate in his written work. In this regard, I rate Filip Samuilov highly—with both conviction and satisfaction—and take this opportunity to note that Bulgarian legal scholarship suffers from serious deficiencies regarding the quality of written legal texts; there is undoubtedly an urgent need for concerted efforts across the board to elevate the standard of written expression—from the PhD level to the highest echelons of academia.

6. Citations by Other Authors, Reviews in the Academic Press, and the Like Issues

Given the author’s failure to provide a citation list—which is understandable considering the short time Filip Samuilov has been part of the academic community, and also taking into account the unacceptable fact that Bulgaria lacks any citation tracking system appropriate for the 21st century—I cannot offer any substantive comments in this section of my assessment. However, having worked with my colleague Samuilov in various capacities over a relatively long period of time, I can state with conviction that he is—and indeed was, even as a student—an exceptionally responsible, motivated, and disciplined member of the academic community who keeps abreast of current developments and trends while constantly honing his knowledge and skills in his chosen fields of law. I am certain that he can serve as an inspiration both to aspiring lawyers (students) and to established legal professionals across all areas of practice (academics, magistrates, politicians, etc.).

7. Opinions, Recommendations, and Comments for the PhD Candidate

Naturally, a number of specific observations could be made regarding the PhD candidate’s level of written expression; I will convey these to him personally at a later stage so that he may refine the work prior to its potential publication. In this section of the present opinion—and within the framework of the current procedure—I am pleased to commend the high quality of the writing, as well as the ability to

synthesize, analyze, and present complex legal issues—qualities not often encountered among young PhD candidates. I would, however, note that the writing style is at times unnecessarily convoluted and makes excessive use of loanwords (which is hardly surprising, given the large number of foreign sources consulted). I would recommend that the PhD candidate pay closer attention to the use of the same concept under different designations; to illustrate with just one example: while “rights of LGBTI persons” appears in the title and elsewhere in the text, the expression “LGBTIQ+ people/citizens” also is used repeatedly in the work. Clearly, the same concept is being referred to using two different terminological designations—a practice that lacks sufficient legal precision and should, as far as possible, be avoided in the future.

Setting aside such minor linguistic and stylistic shortcomings, the work is undoubtedly of high scholarly and practical value; in my opinion, it should be prepared for publication as a standalone monograph in this area as soon as possible—a type of work for which Bulgarian legal scholarship has an acute need.

8. Conclusion

In light of all the foregoing paragraphs, and given the exceptionally positive impression I have got by our so far professional collaboration at the Master in Law Program in NBU, I conclude this opinion by giving an outstandingly high and positive assessment of the PhD thesis submitted for review by Filip Robert Samuilov. It is my firm belief that, upon obtaining the educational and scientific degree of PhD of (Constitutional) Law, a brilliant academic and creative path comes ahead for Filip Robert Samuilov. I wish him every success in this challenging academic legal field.

6 September 2026

Done in Sofia

Signed by:

(Katerina Yocheva)