



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

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THIRD SECTION

Application no. 44811/22
Plamen Yovchev STAYKOV
against Bulgaria
lodged on 14 September 2022
communicated on 26 August 2026

SUBJECT MATTER OF THE CASE

The application concerns a complaint under Article 11 of the Convention about the impossibility for the applicant, because of his status as a prisoner, to exercise his right to peaceful assembly while serving his sentence in prison.

The applicant has been serving a life sentence since 2010 in Stara Zagora Prison. In 2021 he was admitted (remotely) as a member in an association called “European Penitentiary Integration and Human Rights Protection Association” and established in Kazanlak.

In September 2021 he asked the prison governor to determine the conditions under which he could peacefully meet with several other inmates in order to discuss issues relating to detention conditions and the rights of prisoners. In particular, he identified two other prisoners, who were members of the said association, and four others who were in the process of joining it. In February 2022, the applicant reiterated his request to the prison governor, specifically inviting him to assess the proportionality of any restrictions on peaceful assemblies before deciding whether to impose such measures.

Having received no reply to either request the applicant brought judicial review proceedings before the Stara Zagora Administrative Court. He relied on Article 11 of the Convention, as well as Articles 31 § 5 and 43 of the Bulgarian Constitution, and argued that he had the right, in some form, to exercise his freedom of peaceful assembly in prison with other inmates, subject to conditions to be determined by the prison governor. The court

dismissed the appeal as inadmissible. It held that, since the holding of peaceful assemblies was not among the rights granted to prisoners in the relevant legislation, the prison governor's failure to reply did not represent a tacit refusal of the applicant's request.

Upon the applicant's appeal, a three-member appellate panel of the same court upheld those findings in a final decision of 20 May 2022. It held that the exercise of the right to peaceful assembly, guaranteed by Article 43 § 1 of the Constitution, was incompatible with the execution of a prison sentence. In particular, deprivation of liberty excluded the possibility of freely assembling with other persons, whether indoors or outdoors, whenever and with whomever the person deprived of liberty chose. Given that the exercise of the right, also protected under Article 11 of the Convention, was incompatible with the execution of a custodial sentence, it followed that the applicant had no right to request that the prison governor designate an indoor venue, date and time at which he could peacefully assemble with members of the association. Indeed, the court reasoned, membership of an association was not restricted by the execution of a prison sentence; however, the exercise of the right to meet with other members of the association was objectively impossible and represented an inevitable consequence of serving a sentence of imprisonment.

QUESTIONS TO THE PARTIES

1. Has there been an interference with the applicant's freedom of peaceful assembly, within the meaning of Article 11 § 1 of the Convention?
2. If so, was that interference justified in terms of Article 11 § 2?