

Income, troubles and legal family formats in Bulgaria

by Daniela Furtunova ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 2 – Income and troubles)

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made on an earlier version of the answers in this section of the database.

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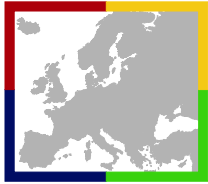


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FamiliesAndSocieties

Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Bulgaria

The answers concerning Bulgaria can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Bulgaria by Daniela Furtunova (Section 1)

Income, troubles and legal family formats in Bulgaria by Daniela Furtunova (Section 2)

Parenting and legal family formats in Bulgaria by Daniela Furtunova (Section 3)

Migration and legal family formats in Bulgaria by Adela Katchaounova (Section 4)

Splitting up and legal family formats in Bulgaria by Adela Katchaounova (Section 5)

Death and legal family formats in Bulgaria by Adela Katchaounova (Section 6)

So this paper is based on **Section 2 (Income and troubles)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 2.1 Lower income tax**
- 2.2 Social benefits**
- 2.3 Health insurance**
- 2.4 Care between partners**
- 2.5 Care for a parent**
- 2.6 Next of kin**
- 2.7 Domestic violence**
- 2.8 Criminal procedure**
- 2.9 General background regarding income and troubles**

In the following pages of this paper, first the answer to question 2.9 is presented, followed by the answers to questions 2.1 to 2.8.

2.09 - General background regarding income and troubles (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, family support, etc.) that may be relevant for the understanding of your answers above regarding income and troubles, then please do so here.

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Jurisdiction: **Bulgaria**

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Section: **2 - Income and Troubles**

Question: **2.01 - Lower income tax**

Can a relationship of this type result in lower income tax than for two individuals without a partner?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2009	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
?					
References to legal sources: Art. 22a, Personal Income Tax Act (Закон за данъците върху доходите на физическите лица) (2007) (amended in 2009).		References to legal sources:		References to legal sources:	
Explanations and nuances: Natural persons may use tax relief for young families (defined as married, and, thus, different-sex by definition couples, one member of whom is under 35 year old) by deducing from the annual tax basis the interest installments made during the year to a mortgage credit for purchase of housing.		Explanations and nuances:		Explanations and nuances:	

Jurisdiction: **Bulgaria**

Source: D. Furtunova, "Income, troubles and legal family formats in Bulgaria". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.02 - Social benefits**

When one partner (long-term unemployed or even never having been employed at all) would be entitled to a basic social benefit, will the income of the other partner then be taken into consideration and will it possibly result in loss or reduction of this entitlement?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No, but 2015	2015 No, but 2015
				No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 12, Social Assistance Act (Закон за социално подпомагане) (1998).</p> <p>Art. 9 (5), Rules for Implementation of the Social Assistance Act (Правилник за прилагане на Закона за социално подпомагане) (1998).</p> <p>Additional Provisions, §1(2), Rules for Implementation of the Social Assistance Act (Правилник за прилагане на Закона за социално подпомагане) (1998).</p> <p>Art. 4, Family Benefits for Children Act (Закон за семейни помощи за деца) (2002, as amended in 2015).</p> <p>Additional Provisions, §1(b), Family Benefits for Children Act (Закон за семейни помощи за деца) (2002, as amended in 2015).</p>		<p>References to legal sources:</p>		<p>References to legal sources: Art. 4, Family Benefits for Children Act (Закон за семейни помощи за деца) (2002, as amended in 2015).</p> <p>Additional Provisions, §1(b), Family Benefits for Children Act (Закон за семейни помощи за деца) (2002, as amended in 2015).</p> <p>Additional Provisions, §1(c), Family Benefits for Children Act (Закон за семейни помощи за деца) (2002, as amended in 2015).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: For the sake of social assistance entitlement, as well as child benefits, the income of the family, defined to include married partners only, is taken into consideration.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: Unmarried couples are considered as a family only with regards to the Family Benefits for Children Act. According to the Act the definition of a family includes: cohabiting parents without a concluded marriage, who cohabit on the same current address, their minor children, as well as the children (either born or acknowledged by the father after birth) above the age of 18, if the latter continue their studies - until completion of secondary education or up to the age of 20. According to the same piece of legislation, the definition of a family also includes: "the parent and his/her minor children, as well as the children (either born, acknowledged by the father after birth or adopted, with the exception of those who already have concluded marriage) above the age of 18, if the latter continue their studies - until completion of secondary education or up to the age of 20. The quoted definitions speak only of "parents". It is, however, unclear whether this definition includes in practice same-sex couples.</p>	

Jurisdiction: **Bulgaria**

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Section: **2 - Income and Troubles**

Question: **2.03 - Health insurance**

Is the amount of money that the two partners in this type of relationship would have to pay for (public or private) health insurance, normally smaller than what two individuals without a partner would have to pay?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 1998	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
?					
References to legal sources: Art. 40, Health Insurance Act (Закон за здравното осигуряване) (1998).		References to legal sources:		References to legal sources: Art. 40, Health Insurance Act (Закон за здравното осигуряване) (1998).	
Explanations and nuances: The amount of the health insurance payment is calculated on the basis of the individual income of the person.		Explanations and nuances:		Explanations and nuances: The amount of the health insurance payment is calculated on the basis of the individual income of the person.	

Jurisdiction: **Bulgaria**

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Section: **2 - Income and Troubles**

Question: **2.04 - Care between partners**

In case one partner is in need of care, does the other partner then have a statutory right to paid or unpaid leave to give that care?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1987	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
? 0000					
References to legal sources: Art. 45(1) and (4), Social Insurance Code (Кодекс за социално осигуряване) (2000). Art. 162(1), Labour Code (Кодекс на труда) (1987).		References to legal sources:		References to legal sources: Art. 45 (1) and (4), Social Insurance Code (Кодекс за социално осигуряване) (2000). Art. 162(1), Labour Code (Кодекс на труда) (1987).	
Explanations and nuances: See question 2.5.		Explanations and nuances:		Explanations and nuances: A partner has a right to paid leave for taking care of a married partner only. See also question 2.5.	

Jurisdiction: **Bulgaria**

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Section: **2 - Income and Troubles**

Question: **2.05 - Care for a parent**

In case the parent of one partner is in need of care, does the other partner then have a statutory right to paid or unpaid leave to give that care?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 1987	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
?					
<p>References to legal sources: Art. 45(4), Social Security Code (Кодекс за социално осигуряване) (2000).</p> <p>Art. 155-160 Labour Code (Кодекс на труда) (1987).</p>		<p>References to legal sources:</p>		<p>References to legal sources: Art. 45(4), Social Security Code (Кодекс за социално осигуряване) (2000).</p> <p>Art. 155-160 Labour Code (Кодекс на труда) (1987).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A right to paid leave is granted only for taking care of members of the family, which include the spouse as well as ascending or descending relatives of the direct line of descent. There is no statutory right to unpaid leave from work. In order to get unpaid leave, however, there is no requirement to specify a reason. The terms for the unpaid leave are a matter of negotiation between the employee and the employer.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: A right to paid leave is granted only for taking care of members of the family, which include the spouse as well as ascending or descending relatives of the direct line of descent. There is no statutory right to unpaid leave from work. In order to get unpaid leave, however, there is no requirement to specify a reason. The terms for the unpaid leave are a matter of negotiation between the employee and the employer.</p>	

Jurisdiction: **Bulgaria**

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Section: **2 - Income and Troubles**

Question: **2.06 - Next of kin**

In case of accident or illness of one partner, is the other partner considered as next of kin for medical purposes (even without power of attorney)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2005	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
Yes 1997					
? 0000					
References to legal sources: Art. 87-90, Health Act (2005). Art. 31(1), §7, Additional Provisions, Public Health Act (Закон за народното здраве) (1973, amended in 1997) (repealed).		References to legal sources:		References to legal sources: Art. 87-90, Health Act (2005).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The current legislation permits expressing informed consent for medical interventions or receiving information on medical condition of adults only by the patient's guardian (if the person has been put under guardianship) or parent (if the patient is under 18 years of age). Unless he/she is the guardian, the partner is excluded from the circle of persons who are capable of providing informed consent to a medical procedure under the Health Act. The former Public Health Act (1973) with an amendment from 1997 specifically included the possibility for receiving information about the medical condition and the treatment of one's married spouse.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: Unless he/she is the guardian, the partner is excluded from the circle of persons who are capable of providing informed consent to a medical procedure under the Health Act.</p>	

Jurisdiction: **Bulgaria**

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Section: **2 - Income and Troubles**

Question: **2.07 - Domestic violence**

When one partner uses violence against the other partner, does specific statutory protection apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2005	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2005	2015 No 0000
No 0000				No 0000	
References to legal sources: Art. 3(1), Protection Against Domestic Violence Act (Закон за защита от домашното насилие) (2005).		References to legal sources:		References to legal sources: Art. 3(2), Protection Against Domestic Violence Act (Закон за защита от домашното насилие) (2005). Sofia District Court (Софийски районен съд), Order No 26 from 7 October 2014.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Protection against domestic violence appears for the first time in Bulgarian legislation in 2005. It applies to married spouses (which according to the Bulgarian legislation could be only different-sex), to de facto conjugal cohabiting partners (refers again to different-sex partners) as well as to persons who have a child together.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: The Protection Against Domestic Violence Act covers, among others, people in de facto conjugal cohabitation (фактическо съпружеско съжителство). The law does not explicitly exclude same-sex cohabiting couples. In practice, however, evident from the jurisprudence on the Act, same-sex partners do not have legitimisation to seek redress under the Protection Against Domestic Violence Act.</p>	

Jurisdiction: **Bulgaria**

Source: **D. Furtunova, "Income, troubles and legal family formats in Bulgaria".** In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-BG-Section2.pdf](#) (please use this full citation when citing any information from this table).

Section: **2 - Income and Troubles**

Question: **2.08 - Criminal procedure**

In case of a criminal prosecution against one partner, can the other partner then refuse to testify against the partner who is being prosecuted?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1974	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Yes 2006	2015 Doubt 2006
?				No 0000	No 0000
References to legal sources: Art. 119, Criminal Procedure Code (Наказателно-процесуален кодекс) (2006). Art. 94, Criminal Procedure Code (Наказателно-процесуален кодекс) (1974) (repealed).		References to legal sources:		References to legal sources: Art. 119, Criminal Procedure Code (Наказателно-процесуален кодекс) (2006). Art. 94, Criminal Procedure Code (Наказателно-процесуален кодекс) (1974) (repealed).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances:		Explanations and nuances:		Explanations and nuances: The 2006 Criminal Procedure Code introduced the right of the person with whom the prosecuted person lives in de facto conjugal cohabitation (фактическо съпружеско съжителство) to refuse to testify. No evidence exists about cases where this regulation has been applied in practice to same-sex couple.	