

Bulgaria's Supreme Court Rejects Baby Sara's Bulgarian Citizenship

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The application for a Bulgarian birth certificate for a child of two mothers, one of whom is a Bulgarian citizen, has been rejected by the country's Supreme Administrative Court, despite an opposite ruling from the court of justice of the European union.

Arguing that Baby Sara is not a Bulgarian citizen, the country's Supreme Administrative Court (SAC) said that their decision not to grant a birth certificate to the child of two mothers is final and cannot be appealed.

[The case 'Stolichna obshtina, rayon Pancharevo'](#) arose at the Court of Justice of the European Union (CJEU) when a same-sex couple were refused a birth certificate in Bulgaria for their infant daughter, who was born in Spain. The Bulgarian authorities asserted that the couple, one of whom is Bulgarian, could not be registered as parents on the child's birth certificate, leaving the family in legal limbo, and Baby Sara stateless.

In December 2021, the CJEU ruled that it is contrary to the fundamental rights guaranteed by Articles 7 and 24 of the Charter for Baby Sara to be deprived of the relationship with one of her parents when exercising her right of free movement or for her exercise of that right to be made impossible or excessively difficult on the ground that her parents are of the same sex.

The ruling effectively said that if one EU country recognises a child's parental relationship, then all EU countries should do the same to guarantee the child its freedom of movement across the region, a right enjoyed by all EU citizens.

After the CJEU judgment, the Bulgarian authorities were obliged to recognise baby Sara. In May, a District Court (SES) in the country ordered city hall authorities in the capital city of Sofia to issue a birth certificate to Baby Sara.

However, the SAC overturned this decision, and refused to recognise the child's Bulgarian citizenship.

Describing the judgement as a "blow" to Bulgaria's LGBTI community, the organisation Deystvie, who litigated with Baby Sara's parents, said it "will not stop us".

"Our struggle is just beginning, and we know we are right. The EU's court is with us, and this was confirmed by the SES's decision last May."