



**To Mr. Thorbjørn Jagland
Secretary General of the
Council of Europe**

Copy to: Mr. Daniel Hotgen and Mrs. Tatiana Baeva from CoE Press Unit
Bulgarian Ministry Council
Bulgarian Ministry of Foreign Affairs and
Ministry of Justice of Bulgaria
Media

Sofia, 14 March 2019

Letter to the Secretary General of Council of Europe (attached also in pdf)

Dear Mr. Jagland,

In your statement for the International Women's Day 2019 you mentioned that:

In some cases, such as Bulgaria, ratification has been blocked due to concerns and misconceptions over the term "gender". However, I believe such misinterpretations can be clarified if the correct information is duly provided and there is the political will to do so, for example in Croatia, which ratified the Istanbul Convention in June last year.¹

For your information, the ratification of the Istanbul Convention in Bulgaria was blocked due to the inconsistency of the texts of the Convention with the Bulgarian Constitution. These inconsistencies are related not only to the term "gender" but also to the term "gender identity". We recall that the term "gender identity" was included in the text of the Istanbul Convention at ILGA-Europe's insistence². The Convention covers not only biological women but also all biological men who self-identify as women (so-called "transgender women"). That lead to increased violence and repression against

¹ International Women's Day – Statement by Secretary General, <https://go.coe.int/dzWBP>

² The need to ensure that the Convention on violence against women addresses effectively the obligation of member states to prevent and combat violence against lesbian, bisexual and transgender women <https://rm.coe.int/1680594272>

³ <http://www.sva.bg/104510741088108610871072/8486058>

<http://www.sva.bg/104510741088108610871072/6841796>

<http://www.sva.bg/104510741088108610871072/9270809>

biological women (in sports competitions, ladies changing rooms and toilets, sheltered housing for women, etc.).

In its decision of July 27, 2018, the Bulgarian Constitutional Court unambiguously concluded:

The Convention paves the way for the introduction of the concepts of "gender" and "gender identity", with the definition given in Article 3, letter "c", in the Bulgarian legal system. The requirements of

Article 4, §3 of the Convention would impose in the Republic of Bulgaria procedures to provide legal recognition of a gender other than biological, contrary to the Constitution.

At present, there is no indication of a political will to amend the Bulgarian Constitution in the terms stated by the Constitutional Court.

In attachment you will find an unofficial English translation of the text of the Bulgarian Constitutional Court's decision.

Kind regards,

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