Joint statement: Bulgaria's Supreme Court opens the door to legal gender recognition, ending years of judicial deadlock

article, legal gender recognition, self-determination

At the end of July, the Supreme Court decided in favour of four trans applicants seeking legal recognition of their gender identity. The ruling aligns Bulgarian practice with the Court of Justice of the EU, enabling changes to gender markers, names, and personal identification numbers. The judges also concluded that EU law requires Bulgaria to establish a legal procedure for legal gender recognition, which is necessary so that Bulgarian trans citizens can travel and reside freely inside the EU.

TGEU – Trans Europe and Central Asia, Bilitis, Deystvie and ILGA-Europe welcome the Bulgarian Supreme Court's decisions as overdue and a great relief to trans people in Bulgaria.

Delays in justice

The decisions had been eagerly anticipated. Yet, some EU countries are notoriously slow to implement judgments from the European courts, and Bulgaria's particularly poor track record had created fears that legal gender recognition would remain out of reach for trans Bulgarians. Failure to implement doesn't just fail Bulgarian trans people; it erodes the European human rights system for everyone.

K.M.H., the applicant behind the decisive *Shipova* case at the EU Court, was among the four now granted recognition. She first requested a female gender marker nearly a decade ago. Living in Italy, her old Bulgarian documents have repeatedly outed her and made it harder to find work.

What the Court said

The ruling follows directly from *Shipova*, in which the EU Supreme Court found in March 2026 that Member States must make legal gender recognition possible, so that EU citizens can exercise freedom of movement without restriction.

The Bulgarian judges found that everyone has the right to determine their own gender identity, and that this "cannot be questioned." Citing the EU's Charter of Fundamental Rights and the European Convention on Human Rights, they confirmed that the right to a private life includes the right to define one's own gender identity.

Asked whether Bulgaria's ban was constitutional, the judges were direct: "The rule of law in Bulgaria implies a universal equality of the dignity of all human beings, including transgender people." Denying recognition, they found, would fail to respect the dignity every trans person is entitled to and which courts have a duty to protect.

Key points from the ruling:

- Nothing in the Bulgarian Constitution actually prohibits legal gender recognition. Previous courts had simply read 'sex' too narrowly.

- EU law applies directly in Bulgaria, and national law must be interpreted in line with it.
- Trans and intersex people have an equal right to legal gender recognition.
- Blanket bans are unlawful. Each case must be judged on its own merits. A narrow reading of ‘sex’, moral judgment, or the simple absence of a legal procedure cannot justify unequal treatment.
- No proof of medical or surgical intervention can be required. The Court found this incompatible with the European Convention on Human Rights. However, the Court also confirmed the requirement of hormone treatment, which is concerning, as the European Court of Human Rights has found that requiring sterility, or treatment likely to lead to sterility, is incompatible with human rights.
- Courts must recognise a person’s gender identity once presented with a mental health diagnosis (F.46.0) and a clear, sustained wish to live according to that identity. This is significant in itself: without a proper legal procedure, the Court is effectively establishing a legal pathway for how lower Bulgarian courts should handle gender recognition requests going forward.

Bulgaria has long been obligated to introduce a legal procedure allowing people to formally update their gender marker, first name, and (per Bulgarian naming convention) father’s name. What’s new is that this obligation has now been formulated as a direct demand to the Bulgarian legislator by the country’s own Court of Cassation, which is a striking reversal from previous rulings by this same court and the Constitutional Court.

Reactions

Civil society welcomed the ruling while pressing for fast follow-through:

“It is a deep relief and a source of satisfaction to see that the system delivers. Trans people are equal in dignity and rights. They can rely on the CJEU and the courts to claim their rights. The Bulgarian government must now swiftly start the legislative process with meaningful civil society involvement. A quick, transparent and accessible administrative procedure is overdue for the recognition and respect of trans people in Bulgaria.”

– Richard Köhler (he/him), Expert Advisor and litigation lead, TGEU – Trans Europe and Central Asia

“These decisions mark a long-awaited turning point for trans people in Bulgaria. After years of judicial deadlock, the Supreme Court has affirmed that trans people are equal in dignity and rights and that legal gender recognition cannot be denied because of legislative inaction. Having represented the applicants before the national courts and in the *Shipova* case before the CJEU, I welcome this outcome as proof that strategic litigation can dismantle systemic barriers. The Bulgarian government must now act without delay and establish a swift, transparent and accessible legal gender recognition procedure based on self-determination and fully compliant with European human rights standards.”

– Denitsa Lyubenova (she/her), Co-Chair, Deystvie and lawyer for the applicants before the Bulgarian courts and legal representative in *Shipova* before the Court of Justice of the European Union

“We are very glad to see that the judges of the Supreme Court clearly stated that it is actually a matter of rule of law for Bulgaria to respect the universal equality and the dignity of all human beings, including trans people for whom human rights-based legal gender recognition procedures are an indispensable element. The government needs to act swiftly now to put in place an LGR procedure that is fully in line with European human rights case law, which means without any conditions requiring proof of medical, surgical or hormonal treatment.”

– Katrin Hugendubel (she/her), Deputy Director, ILGA-Europe

“For many trans people in Bulgaria, legal gender recognition has meant years of waiting, uncertainty and costly court proceedings. During that time, they are forced to live with documents that do not reflect who they are, creating barriers in travel, employment, healthcare and interactions with public institutions. This can expose people

to unwanted disclosure, discrimination, humiliation and invasive questioning, with a real impact on their privacy, dignity and everyday sense of security. We welcome these decisions as an important step forward, but a clear, accessible and rights-based administrative procedure that respects trans people's dignity remains urgently needed."

– Adi Petrov (he/him), Policy and Advocacy Officer, Bilitis Resource Center Foundation

What's next

While lower courts are expected to follow this ruling directly, a court decision is not a substitute for law. Bulgaria still needs a fast, transparent, and accessible legal gender recognition procedure written into legislation, not left to case-by-case court precedent. TGEU – Trans Europe and Central Asia, Bilitis, Deystvie and ILGA-Europe call on the Bulgarian government to start that legislative process now, with meaningful involvement from civil society.

Your support makes change possible

We work across Europe and Central Asia to advance trans rights, build strong communities, and drive change through research, advocacy, and community-building.

Your donation helps us continue this vital work — defending trans lives, amplifying trans voices, and advocating for justice every day.

donate now