

# Bulgaria

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<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bulgaria/BGR-CbC-V-2014-036-ENG.pdf>

- **Context information from ECRI**

p.10:

There is no official data on the LGBT population in Bulgaria and no specific legislation regulating gender reassignment. In this report, ECRI requests that the authorities take further action in a number of areas; in this context, it makes a series of recommendations, including the following.

Legislation should be developed on gender recognition and gender reassignment, in line with international standards and expertise. An action plan should be adopted to combat homophobia and transphobia in all areas of everyday life, including education, employment and health care.

117. Concerning employment, according to research conducted by the Open Society Institute in Sofia, just over 40% of those polled think that an “untraditional” sexual orientation is an obstacle to competition in the labour market. In answer to the question “who is the person that you would never hire?”, more than 25% replied “a homosexual”. Transgender and gender non-conforming individuals are the ones who experience most difficulty in accessing jobs and are the most commonly fired from work.

- **Transphobia and data on hate crimes in the country**

57. Six cases of violence against LGBT people have been recorded by NGOs during recent years. They believe that there is under-reporting of this type of violence. The most serious case involved the homophobic murder of a medical student in the Borisova Gradina Park in September 2008. The two suspects who were arrested admitted to police that they had also beaten 10 other gay men as part of their aim to “clean the park”. Transgender people in Bulgaria are also particularly vulnerable to violence because they are more visible as gender non-conforming. In June 2009, a transgender woman and a bisexual man survived a violent attack by a group of skinheads. The victims did not report the attack to the police because they believed, based on past experience and stories from other survivors of similar attacks, that the police would not investigate. Research conducted by the European Union’s Fundamental Rights Agency (FRA) in all countries has repeatedly and consistently shown that victims of hate crime in general are reluctant to come forward and report.

112. ECRI recommends that the authorities collect data on hate speech and hate crime against LGBT persons, including on the number of cases reported, investigated and prosecuted.

115. ECRI encourages the authorities to undertake research and collect data on LGBT persons in Bulgaria as well as on discrimination and intolerance against them.

- **Legislative issues**

119. ECRI notes that there is no specific legislation regulating gender reassignment for trans and intersex persons. Article 76 (4) of the Civil Registration Act stipulates that a person's name and gender can only be changed following court proceedings<sup>36</sup>. No procedures or criteria for allowing or refusing an application for gender rectification are defined. However, as regards gender reassignment, the very small number of cases brought so far (11) has established a positive trend; following an assessment by psychiatrists and sexologists, the way a person selfidentifies is the primary criteria upon which to base the decision. There is no case law concerning intersex conditions. It appears that these are treated through medical intervention in early childhood without the opinion of the child being taken into account. ECRI points out that this practice is not in line with international standards and current expertise on the issue. ECRI considers, therefore, that the legislation needs to be further developed to include the essential criteria and necessary steps concerning both gender recognition and gender reassignment. For example, gender reassignment should not be a prerequisite for gender changes in personal documents.

120. ECRI recommends that the authorities develop legislation on gender recognition and gender reassignment ensuring that it is in line with international standards and expertise.

- **Education and awareness-raising**

116. According to a recent LGBT Survey of the European Union Agency for Fundamental Rights, 91% of the people interviewed believe that in Bulgaria positive measures to promote respect for the human rights of LGBT people are fairly rare or very rare. The survey shows that many LGBT people have to hide their sexual orientation at school or work. 19% of the people interviewed affirm that they have been discriminated against because of their LGBT status when looking for a job; 25% of them feel discriminated against at work; 12% feel discriminated against when looking for accommodation to rent or buy; 9% affirm feeling discriminated against by health care personnel.

118. ECRI notes that sex education is not part of the basic curriculum in Bulgaria, but aspects of it comes up in health education and subjects such as biology and man and nature. However, there is no obligation for teachers of these subjects to discuss sexual orientation or trans and intersex issues in their classes. ECRI has been informed that transgender pupils are the most common victims of bullying and school policies do not provide for any particular support to them.

- **List of recommendations from ECRI**

121. ECRI notes that surgery relating to a change of sex is covered under the national health insurance system. Hormone treatment, on the other hand, is not covered, as such treatment is only provided for "illnesses". The costs must be borne by the trans or intersex person concerned. In view of the fact that hormone therapy is an essential part of gender reassignment, ECRI encourages the authorities to consider providing financial assistance to those in need of such treatment.

122. In view of the above-mentioned lack of information about LGBT people in Bulgaria and the significant discrimination, harassment and violence to which they are exposed, ECRI considers that

the authorities should draw up and adopt an action plan to increase tolerance vis-à-vis LGBT persons and to combat homophobia and transphobia

123. ECRI recommends that the authorities draw up and adopt an action plan to combat homophobia and transphobia in all areas of everyday life, including education, employment and health care, taking inspiration from Recommendation CM/Rec(2010) 5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity.