

**Priority question for written answer P-004584/2021
to the Commission**
Rule 138
Clare Daly (The Left)

Subject: Transgender rights threatened by Constitutional Court ruling in Bulgaria

In March 2021, Bulgaria's Supreme Court of Cassation requested clarification from the Constitutional Court on the legal definition of gender/sex in reference to the legal recognition of transgender people. The Supreme Court is examining a 'contradiction' between Article 8 of the European Convention on Human Rights and the Bulgarian Constitution, which purportedly recognises sex but not gender. In 2018, the Constitutional Court rejected the ratification of the Istanbul Convention on account of its non-recognition of the term 'gender'. The UN Independent Expert on sexual orientation and gender identity underlined how this ruling could infringe upon the right to legal recognition and privacy as stipulated under the Universal Declaration of Human Rights¹. The ruling is due in October 2021 and may have grave repercussions for the lives and futures of transgender people in Bulgaria.

1. In the light of increasing hate crimes against trans people and the broader LGBTIQ community in Bulgaria, will the Commission uphold their fundamental rights as protected under the EU Treaties?
2. How will the Commission respond to a Member State questioning the compatibility of the European Convention on Human Rights with its national constitutional law?
3. How will the Commission protect the lives of EU citizens who are at risk of legalised discrimination?

¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26484>