

EC Rule of Law Report 2025 online consultation

– template for members' feedback

Introduction

The European Commission's annual Rule of Law Report is the foundation for an annual rule of law dialogue between the Commission, the Council and the European Parliament together with the surveyed countries as well as national parliaments, civil society and other stakeholders. The Rule of Law report focuses on the areas of: justice systems, anti-corruption frameworks, media pluralism and freedom (inclusive of journalists' protection), and other institutional issues linked to checks and balances (inclusive of civil society space).

Together we have been contributing to the rule of law report consultation since 2020, and your input has meant that every year we see more inclusion of LGBTI topics, and the link between rule of law, democracy and rights for LGBTI people highlighted more clearly. This increasing inclusion of the LGBTI rights perspective in the reports over the years allows us to point to systemic breaches of rule of law as concerns LGBTI rights, providing stronger argumentation for these issues to be addressed by the various EU rule of law tools such as funding conditionality and infringement. With the new European Parliament and European Commission established this autumn, we have already started working with other European level human rights and democracy organisations to explore further how we can expand the EU's rule of law toolbox to contain more tangible repercussions for breaches of EU law and international human rights standards. Your submissions will contribute to our ongoing repository of information and data which we will use to continue to make the case for this rule of law toolbox to address relevant issues faced by LGBTI people in the EU and accession countries.

As in previous years we will compile a submission to the online consultation for the 2025 Rule of Law Report, based on the country-level input you provide to this template questionnaire. We will reference the organisations who submitted country information and continue to request the European Commission and EU Delegations to reach out to you for national level in-country CSO consultations.

If you wish to contribute to the 2025 Rule of Law Report, please fill in this template and send it back to Belinda@ilga-europe.org by **13 January 2025**.

Template with 5 overview sections

Please write any information you have to share related to the below 5 topics. It doesn't matter if you only write one sentence, or if you don't have information for all the topics. Anything you have is helpful. I have not designated a word limit since there are roughly 60 questions in the consultation overall, so I can quite easily divide responses among those questions.

For those who submitted information last year, please write any relevant updates/developments that took place since January 2024.

The 2025 report will again include country recommendations, therefore please do add recommendations under the sections that you respond to.

LGBTI organization Deystvie, Bulgaria

1. Judicial Independence & corruption

Please let us know about judicial independence in your country as regards cases concerning LGBTI people or activists e.g:

- Is there interference by politicians in court cases (e.g. public statements about expected outcome or pressuring the judges via statements or the media)?
- Are specific judges allocated to LGBTI related cases to influence the outcome?
- How is the independence of the Constitutional Court guaranteed? How is it composed?
- Are judicial processes used to intimidate LGBTI people or judges presiding over LGBTI-related cases?

Please also note any instances of corruption related to LGBTI issues.

Bulgaria, a member state of the European Union since 2007, is still struggling with institutional discrimination against its LGBTQ community. While many institutions are established and operating, there is constant evidence suggesting that they may not be adhering to the recommendations and goals of the EU directives. A [survey conducted in 2012 by the EU FRA Agency](#) ranks Bulgaria in one of the last places in Europe in terms of tolerance and in one of the places with the highest rates of discrimination against LGBTQ people. Hate speech is left unpunished in 98 % of the cases. It is accompanied by physical attacks against LGBTI community events and claims before prosecution and police against LGBTI organisations and activists. This hostile environment is supported by political dependence and corruption in Bulgarian courts.

Through our work Deystvie observed a persistent pattern of decisions and actions that negatively target the LGBTQ community. In 2024 alone there were several judgments by Supreme courts in Bulgaria which target and restrict the rights of the LGBTI community:

- The Supreme Administrative Court disregarded the judgement of the Court of Justice of the EU on [C-490/2020 V.M.A. v. Pancharevo municipality, Bulgaria](#) case on the recognition of birth certificates of children born in same-sex families and SAC left Baby Sara stateless. Bulgarian Courts and municipalities continue to ignore and refuse to implement the C-490/2020 ruling. This can be confirmed by the complaints submitted to the EC for breach of EU law – Complaints with reference numbers: № CPLT(2023)02909, CPLT(2023)02910, CPLT(2023)02911, CPLT(2023)02912, CPLT(2023)02913, CPLT(2023)01724 which specifically concerns the case of V.M.A. Additionally, there is a pending case before the Administrative Court of Sofia city which

concerns the issuance of birth certificate between the same parties as the V.M.A. case – adm.court case № 20247010708156/2024.

- Due to previously conflicting judgments from the Supreme Court on LGR requirements, the General Assembly of the Civil College (SC) of the Supreme Court of Cassation (SCC) [issued](#) an interpretative decision in late February 2023. The decision [stated](#) that as gender is an unchangeable biological factor, legal gender recognition should not be possible in Bulgaria. This is despite a significant body of ECtHR cases ruling that lack of access to legal gender recognition is a violation of Article 8 ECHR, including the Bulgarian Y.T. v. Bulgaria case. Y.T. v. Bulgaria is among the rare cases where the ECtHR has adjudicated on the revision of a judgment under Rule 80 of the Rules of the Court. In its [original judgment](#) of 9 July 2020, the ECtHR found a violation of ECHR Article 8 as domestic courts refused to grant legal gender recognition (“LGR”) to the applicant without providing relevant and sufficient reasons and without explaining why it had been possible for domestic courts to grant LGR in other cases.

Upon a request by the Bulgarian government, this judgment was revised by the ECtHR on 4 July 2024. In this [second judgment](#), the Court decided that the application was inadmissible as the applicant had not disclosed to the Court the fact that he had obtained LGR in a second national court proceeding while his case was pending before the Court, which constituted an abuse of rights. The Court nevertheless made clear that this revision did not affect Bulgaria’s obligations under Article 8, confirmed in the case of [P.H. v. Bulgaria](#).

Ever since after the General Assembly of the Civil College (SC) of the Supreme Court of Cassation (SCC) [issued](#) an interpretative decision in late February 2023 no trans person managed to changed their legal gender marker. In the few cases which finished positively, the judgments did not enter into force.

Even though there is a CJEU ruling on C-4/24, Mirin which provides specific requests to Member States Bulgarian courts refuse to recognize and subscribe the gender identity of people obtained in other Member States. All cases pending before the Supreme Court of Cassation are stopped for now.

2. Quality of Justice

We would like to hear if there are any laws or processes in your country which act as a barrier to LGBTI people seeking justice. For example, lengthy delays, undue costs or multiple/continual court summons. Does your government respect domestic and international judgements and do state institutions implement judgements in the necessary timeframe?

[Write your responses here]

3. Media Freedom & Journalists’ Protection

Targeting of journalists and in general the free media can also result in the targeting of specific content, such as LGBTI related content. Please share with us:

- Whether LGBTI activists in your country been targeted for information they share via media outlets or online platforms such as social media, or whether LGBTI people have been targeted by state-controlled media?
- Whether the media in your country has a plurality of information and opinions?
- Whether media institutions are independent? If not, does the government make appointments of staff/members? How does this impact LGBTI people/topics?
- Whether law enforcement adequately protect journalists covering LGBTI-related protests/demonstrations, and properly investigate attacks on them?
- Any cases of SLAPPs (including of “defamation”) being levelled against journalists/activists who reported on LGBTI-related topics?
- Do authorities sufficiently follow-up hate speech cases against LGBTI people in the media?

[Write your responses here]

4. Transparency & Independence

- Are laws in your country prepared and adopted in a transparent way (e.g. with public consultation, with timeframe long enough for checks & balances and involvement of CSOs)? Is this required under national legislation/policy?
- Are LGBTI organisations actively included in policy-making/decision-making/dialogues with authorities?
- Have laws targeting LGBTI people been rushed through or under guise of emergency measures?
- Have your national human rights institutions/ombudsperson/equality bodies acted independently as regards LGBTI rights? Do they have a mandate covering SOGIESC?

[Write your responses here]

5. Enabling Framework for Civil Society

Please let us know information about restrictions or support to the functioning of LGBTI civil society in your country.

Below are some examples of information that you could include in this section:

- Restrictions on registration and/or functioning of LGBTI CSOs;
- Measures that hinder (or enhance!) the ability of your staff/organisation to carry out its work;
- Attacks on offices of LGBTI CSOs (were they dealt with properly by the authorities and condemned?);
- Instances of LGBTI-phobic hate crime or hate speech (were they properly investigated and sanctioned by authorities?), measures that the government has put in place to tackle this;
- Smear campaigns and negative narratives against LGBTI people or organisations (by media, politicians, institutions etc);
- Measures to financially support LGBTI civil society;

- Fair or biased distribution of funding (including EU funds);
- Restrictions on foreign funding;
- Official targeting of “LGBTI ideology”/“gender ideology” e.g. declarations/resolutions/laws;
- Impunity for attacks on or undue restrictions on Pride parades;
- Were protesters unduly/disproportionately fined, imprisoned or physically attacked?
- Other restrictions on civil society space.

On 07 August 2024 Bulgaria's National Assembly has voted on a bill to amend and supplement the Preschool and School Education Act (PSEA). This bill conceptually amends and expands the prohibitions in the system of pre-school and school education, which currently in Article 11 par. (2) and (3) of the PSEA affirms it as secular (para. 1), "preventing the imposition of ideological and/or religious doctrines and prohibiting the implementation of political and partisan activities." The following prohibition has been added to Article 11(2), p. (3) of the PSEA "the carrying out of propaganda, promotion and incitement in any way, directly or indirectly, of ideas and views related to non-traditional homosexual orientation and/or the determination of gender identity other than biological."

Among the legal definitions appears one of the newly introduced terms "Non-traditional sexual orientation "Non-traditional sexual orientation - different from the generally accepted and enshrined in the Bulgarian legal tradition notions of emotional, romantic, sexual or sensual attraction between persons of opposite sexes".

The law was adopted with almost full majority in the National Assembly and the two readings were rushed in one day.

As a result of this law several investigations against Single Step Foundation and Bilitis Foundation (both having a licence to work with children and young people) were started against the organizations and requesting revisions of their licences.

Several amendments in the Child Protection Act restricting the rights of trans individuals were proposed. They did not pass the majority of votes in the National Assembly.