

Ref: CommHR/MOF/sf 135-2025

Ms Nataliya KISELOVA

President of the National Assembly of the Republic of Bulgaria

Strasbourg, 6 October 2025

Dear President,

My mandate is to foster the effective observance of human rights in all member states of the Council of Europe. An important part of my work is to engage in dialogue with the governments and parliaments of member states, and to assist them in addressing possible shortcomings in their laws and practices. I am writing in relation to the bill on Amendments to the Child Protection Act No. 50-454-01-20 of 6 December 2024 (containing also amendments to the Health Act, the Social Services Act and the Criminal Code), which raises concern regarding compatibility with Council of Europe and other international human rights standards.

A first issue is the proposed prohibition of exposing children to “content that does not correspond to the understanding of gender as a biological category” in preschool and school establishments, as well as in “other public places visited by children outside school hours”. This ban, which further extends the scope of restrictions introduced through amendments to the Preschool and School Education Act of August 2024, is very broad, giving room for arbitrary interpretations and disproportionate restrictions on the right to education and the rights to freedom of expression and assembly.

The European Court of Human Rights (“the Court”) has held that a legislative ban on the dissemination, among children, of information on LGBTI people reinforces stigma and prejudice, is harmful to children, and is “incompatible with the notions of equality, pluralism and tolerance inherent in a democratic society” (*Macaté v. Lithuania* [GC], *Alekseyev v. Russia*). The Court has found violations of Articles 10, 11 and 14 of the European Convention on Human Rights (“the Convention”) in relation to such restrictions.

I also understand that there is a proposal in the bill to ban and criminalise the presentation, advertising and provision of trans-specific healthcare for minors.

Everyone, including children, has the right to the highest attainable standard of health and to enjoy this right without discrimination, including based on gender identity. Moreover, gender identity is recognised by the Court as falling under the scope of protection of the Convention. In this respect, the Court has found that denying trans-specific healthcare in various circumstances (for example, in a prison regime) constitutes a violation of the right to respect for private life under Article 8 of the Convention (*W.W. v. Poland*). In Opinion No. 1188/2024 concerning a draft constitutional law in Georgia, the Venice Commission considered that *a fortiori*, an absolute prohibition on any trans-specific medical intervention could not be seen as compatible with this Article.

All measures taken regarding children must be guided, as a primary consideration, by the best interests of the child, which shall be determined on a case-by-case basis. The UN Committee on the Rights of the Child (CRC) emphasises in General Comment No. 14 (2013) that this determination “should start with an assessment of the specific circumstances that make the child unique.” Moreover, children have the right to be heard and have their views given due weight in accordance with their age and maturity in all decisions and actions affecting them, as prescribed by Article 12 of the UN Convention on the Rights of the Child. In its General Comment No. 20 (2016), the CRC stated that LGBTI children have a right to respect for their physical and psychological integrity, gender identity and emerging autonomy.

In the light of the above, I respectfully ask members of the National Assembly of Bulgaria to refrain from adopting the amendments addressed in this letter. I recommend engaging with national and international partners, including the Council of Europe, to ensure that the human rights of LGBTI people are protected in full compliance with international standards.

I would be grateful if you could ensure that all members of the National Assembly receive a copy of this letter. I stand ready to continue our dialogue on this and other human rights issues.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael O'Flaherty', with a stylized, cursive script.

Michael O'Flaherty