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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence

- General approach
- Statement

Delegations will find in the Annex the statement entered by Bulgaria.

Statement**by the Republic Bulgaria on the proposal for a Directive of the European parliament and the Council on combating violence against women and domestic violence (general approach)**

The Republic of Bulgaria attaches great importance to the promotion and protection of fundamental rights, an important part of which is the equality between women and men. We are and will remain dedicated to the principles and values of the European Union as enshrined in the Treaties.

The Republic of Bulgaria is strongly committed to combatting domestic violence and violence against women. The Bulgarian government and civil society are actively engaged in preventing such forms of violence and in providing protection and support to their victims. We consider the proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence (hereinafter “the Directive”) as important milestone in combating violence against women and girls, protecting victims and punishing offenders that will support the EU Member State to advance their national legislation.

However, in 2018, the Constitutional Court of the Republic of Bulgaria adopted a decision stating that the Council of Europe’s Convention on Preventing and Combatting Violence against Women and Domestic Violence (“Istanbul Convention”) promotes legal concepts that intend to differentiate between “sex” as a biological (women and men) category and “gender” as a social construct. In 2021, the Constitutional Court adopted another decision clarifying that the notion “sex” used in the Constitution could only be regarded in the sense of its biological determination.

In light of the abovementioned decisions, the Republic of Bulgaria declares that the term “gender” used in the Directive and any of its derivative terms are understood as encompassing only the male and female sex in their biological meaning. The Republic of Bulgaria also declares that it does not accept the concept of gender and the gender-based approach, as defined in the Istanbul Convention. Those concepts are considered incompatible with the main principles of the Bulgarian Constitution and the binary understanding of the sex.

Lastly, the Republic of Bulgaria will only accept the translation in Bulgarian of the term “gender” as “пол” in the text of the Directive.
