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From:	General Secretariat of the Council
To:	Council

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Subject:	Draft council conclusions on strengthening women's and girls' mental health by promoting gender equality
	- Approval
	- Statements by the BG and HU delegations

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Delegations will find in the annex statements by the BG and HU delegations in relation to the abovementioned conclusions.

## **Изявление на Република България**

### **по Заключенията на Съвета относно укрепването на психичното здраве на жените и момичетата чрез насърчаване на равенството между половете**

Република България отдава голямо значение на утвърждаването и защитата на правата на човека и потвърждава своя ангажимент за гарантиране на равенството и борбата с дискриминацията като основни ценности на Европейския съюз.

През 2018 г. Конституционният съд на Република България прие решение, в което се посочва, че Конвенцията на Съвета на Европа за превенция и борба с насилието над жени и домашното насилие („Истанбулската конвенция“) утвърждава правни концепции, свързани с концепцията за „gender“, които са несъвместими с основните принципи на Конституцията на България. Освен това през 2021 г. Конституционният съд допълнително поясни, че понятието „пол“ (англ. „sex“), използвано в Конституцията, в контекста на националния правов ред, следва да се разбира само в неговия биологичен смисъл (мъже и жени).

В параграф 9 от *Заключенията на Съвета относно укрепването на психичното здраве на жените и момичетата чрез насърчаване на равенството между половете* се цитира *Съобщението на Комисията относно цялостен подход към психичното здраве*, в което се съдържат термини, които са несъвместими с бинарното разбиране за пол, съгласно българското законодателство.

Отчитайки значението на укрепването на психичното здраве на жените и момичетата, в дух на компромис, Република България подкрепя приемането на *заключенията*, като в съответствие с Решения № 13/2018 и 15/2021 на Конституционния съд на Република България, страната си запазва правото да ги прилага с разбирането, че понятието за пол има само и единствено биологичен смисъл – мъжки и женски, и не приема термините от *Съобщението на Комисията относно цялостен подход към психичното здраве*, които излизат извън него.

**Statement by the Republic of Bulgaria  
on the Council Conclusions  
on Strengthening Women's and Girls' Mental Health by Promoting Gender Equality**

The Republic of Bulgaria attaches great importance to promoting and protecting human rights and reaffirms its commitment to ensuring equality and combating discrimination as fundamental values of the European Union.

In 2018, the Bulgarian Constitutional Court adopted a decision stating that the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence ('Istanbul Convention') promotes legal concepts related to the notion of gender that are incompatible with the main principles of the Constitution of the Republic of Bulgaria. Furthermore, in 2021, the Constitutional Court further clarified that the term 'sex' used in the Constitution, should, in the context of the national legal order, be understood in its biological sense only (men and women).

Paragraph 9 of the *Council Conclusions on Strengthening Women's and Girls' Mental Health by Promoting Gender Equality* quotes the *Commission's Communication on a comprehensive approach to mental health*, which contains notions that are incompatible with the binary understanding of gender, according to Bulgarian legislation.

Considering the importance of strengthening the mental health of women and girls, in the spirit of compromise, the Republic of Bulgaria supports the approval of the *Conclusions* while in accordance with Decisions No. 13/2018 and 15/2021 of the Constitutional Court of the Republic of Bulgaria, the country reserves the right to apply them with the understanding that the concept of "gender" has only and exclusively a biological sense - male and female, and does not accept the notions from the *Commission's Communication on a comprehensive approach to mental health* that go beyond it.

**Statement by Hungary**  
**on the Council Conclusions**  
**on Strengthening Women's and Girls' Mental Health by Promoting Gender Equality**

Hungary believes that the Presidency's approach towards gender equality is based on a delicately balanced compromise therefore we support the current approach of the *Council Conclusions on strengthening women's and girls' mental health by promoting gender equality*.

Hungary recognises and promotes equality between men and women in accordance with the Fundamental Law of Hungary and the primary law, principles and values of the European Union, as well as commitments and principles stemming from international law. Equality between women and men is enshrined in the Treaties of the European Union as a fundamental value. In line with these and its national legislation, Hungary interprets the term 'gender' as a reference to 'sex' in the *Council Conclusions on strengthening women's and girls' mental health by promoting gender equality*.

Hungary declares that the Commission's Communication on 'a Union of Equality: Gender Equality Strategy 2020-2025' mentioned in the *Council Conclusions on strengthening women's and girls' mental health by promoting gender equality* should be interpreted with due regard to national competences and the specific circumstances in each Member State.

Furthermore, Hungary declares that the Commission's strategy adopted in 2020: the LGBTIQ Equality Strategy 2020-2025 (COM(2020) 698 final) referred to in the *Council Conclusions on strengthening women's and girls' mental health by promoting gender equality* should be interpreted with due regard to the national competences and the specific circumstances in each Member State.