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NOTE

From:	General Secretariat of the Council
To:	Council
Subject:	Proposal for a COUNCIL RECOMMENDATION on fighting housing exclusion, including homelessness *- Adoption* *- Statement by the BG delegation*

Delegations will find in the annex a statement by the BG delegation in relation to the abovementioned Council Recommendation.

ANNEX

Statement by the Republic of Bulgaria

on the draft Council Recommendation on fighting housing exclusion, including homelessness

The Republic of Bulgaria attaches great importance to the promotion and protection of human rights, including the right to housing, and reaffirms its commitment to guaranteeing these rights as fundamental values of the European Union. Bulgaria will work to overcome housing exclusion, including homelessness.

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 fundamental principles of the Bulgarian Constitution. Moreover, in 2021 the Constitutional Court further clarified that the notion of 'sex' ('пол') used in the Constitution, should, in the context of the national legal order, be understood in its biological sense only (men and women).

Recital 34 of the draft Council Recommendation on fighting housing exclusion and homelessness contains a term that is incompatible with the binary understanding of 'sex' ('пол') under Bulgarian law, namely LGBTIQ+, specifically the 'Q+' element. According to the definition provided by the European Commission in its LGBTIQ+ Equality Strategy for 2026–2030, this element covers persons who do not identify with either of the two binary genders, unlike LGBTI persons. The term cannot be accepted as agreed language in the Council and, in addition, it gives rise to legal uncertainty, as it is unclear which persons should be protected against discrimination on this basis.

For these reasons, the Republic of Bulgaria does not support the text of the Recommendation and reserves the right to interpret and apply the terms used therein on the understanding that the concept of 'gender' ('пол') has an exclusively biological meaning – male and female – and does not accept terms that could extend beyond that meaning.