

TO: UN HUMAN RIGHTS COUNCIL
COPY TO:
PRIME MINISTER OF THE REPUBLIC OF BULGARIA
MINISTER OF FOREIGN AFFAIRS
MINISTER OF EDUCATION AND SCIENCE

Subject: Submission to the report on gender, sexual orientation and gender identity[1]

DEAR MEMBERS OF THE UN HUMAN RIGHTS COUNCIL,

We are deeply concerned that this report, and not only that of the United Nations Independent Expert on Sexual Orientation and Gender Identity (SOGI), goes far beyond the power and scope of his mandate and is extremely harmful to children, women and the family. His line of work does not comply with the principles set out in Human Rights Council Resolution 5/1, which require "universality", "impartiality", "objectivity", "non-selectiveness" and "gender perspective"[2].

The questions listed in the submission guidance by the Independent Expert on SOGI reveal that the main goal of his upcoming report is to change the world's commonly held biological understanding of male and female and replace it with the radical concept of "gender identity." This is in contradiction of the UN's mandate to provide rights and protections to women and girls.

The term "gender identity" does not appear in any binding international agreements negotiated by the full body of UN Member States. Every time it has been proposed, it has been rejected by UN Member States because it is too controversial. In addition, the Bulgarian Constitutional Court clearly stated in decision №13 of 27.07.2018 that the introduction of gender and gender identity, other than biological, is in violation of the Constitution[3]. Here are excerpts of the decision and the motives behind it.

“Legal equality between the sexes is proclaimed at the constitutional level in Art. 6, para. 2 of the Constitution. It does not mean equal treatment of both sexes, but requires consideration of biological characteristics and differences between them. Gender is among those explicitly established in Art. 6, para. 2 of the Constitution signs on the basis of which privileges or restrictions in the rights are not allowed. The constitutional text considers biological sex as a concept with a clear legal content.”

“The Constitution and the entire Bulgarian legislation is built on the understanding of the binary existence of the human species. In fact, the Constitution unequivocally perceives the social dimension of gender in interaction with the biologically determined - Art. 47, para. 2 of the Constitution. In short, the term "sex" is used by the constitutional legislator as a unity of the biologically determined and socially construed.” .***“The social dimension in the Constitution does not create a social gender independent of the biological one”.***

“Contrary to this constitutional understanding of gender as a biological category, the notion of "gender" as a social construct is present ... separately and alongside the notion of "sex". This two-layered nature of the conceptual apparatus, of the meaning embedded in the concepts used, in practice does not lead to the achievement of equality between the sexes, but erases the differences between them, whereby the principle of equality loses its meaning.”

We strongly oppose the attempts of the independent SOGI expert to undermine the security and

protection of women and girls whose rights and privacy have been violated by men who identify as women. The adoption of non-discrimination policies based on "gender identity" has led to violence and abuse against women and girls in public women's spaces (toilets, bathrooms, changing rooms, sheltered housing for women etc.), as well as in a number of sports competitions.

The independent expert's report also aims to introduce so-called "comprehensive sexuality education[4]" (CSE). In fact, the researchers concluded: "Three decades of research indicate that comprehensive sex education has not been an effective public health strategy in schools around the world, has shown far more evidence of failure than success, and has produced a concerning number of harmful impacts.[5]"

Moreover, a number of UN member states have explicitly rejected the concepts of "comprehensive sexuality education" and "sexual orientation and gender identity" from the 2030 Agenda. We consider that attempts to reject the positions of opposing states through the mandate of the SOGI expert are a direct attack on the sovereignty of the UN member states and an abuse of the UN system[6].

Since "gender identity" and "gender expression" are based on internal feelings unique to that individual rather than biological realities that can be independently verified how could a law function if only individuals with gender-confusion (dysphoria) will be able to determine whether policy or action violates the law?

Therefore we call upon all UN Member States to reject the reports issued by the UN Independent Expert on SOGI, which violate the rights and security of women and girls, endanger the natural family, and damage children exposed to the harmful comprehensive sexuality education.

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[1] <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/GenderTheory.aspx>

[2] The meaning of the "gender perspective" accepted by the Member States concerns equality for women, not the transsexual perspective.

[3] Constitutional Court decision №13 of July 27, 2018
www.constcourt.bg/bg/Acts/GetHtmlContent/f278a156-9d25-412d-a064-6ffd6f997310

[4] CSE programs typically contain most of or all, of 14 program elements listed below that are harmful to children[4]:

1. Sexualizes children
2. Teaches children how to consent to sex
3. Normalizes anal & oral sex
4. Promotes homosexual/bisexual behavior
5. Promotes sexual pleasure
6. Promotes solo and/or mutual masturbation

7. Promotes condom use in inappropriate ways
 8. Promotes early sexual autonomy
 9. Fails to establish abstinence as the expected standard
 10. Promotes transgender ideology
 11. Promotes abortion to children
 12. Promotes peer-to-peer sex education or sexual rights advocacy
 13. Undermines traditional values and beliefs
 14. Undermines parents or parental rights
- See more at: StopCSE.org

[5] Weed, S., Ericksen, I. (2019). Institute for Research and Evaluation. Re-Examining the Evidence for Comprehensive Sex Education in Schools: A Global Research Review. Retrieved from SexEdReport.org

[6] The Universal Declaration of Human Rights, Article 26.3, states that parents have the "primary right" to decide on the education of their children. A sensitive issue such as sex education should be taught while respecting the rights, duties and responsibilities of parents, as enshrined in a number of UN treaties and important UN documents.