

ADDENDUM – Timeline of events

This explanatory note gives an overview of the amendments to Bulgaria's Preschool and School Education Act which ban discussion of sexual orientation and gender identity in schools. It highlights how the amendments violate constitutional rights, international children's rights, and democratic principles, sparking national and international condemnation and legal concerns.

1. The amendments to the Preschool and School Education Act (PSEA)

On August 7, 2024, with 135 votes "in favour", 33 "against" and 8 votes of abstention, the Members of the National Assembly adopted amendments to the Preschool and School Education Act (PSEA). The amendment to Article 11(2), p. 3 of the PSEA reads as follows: *"Carrying out of propaganda, promotion and incitement in any way, directly or indirectly, of ideas and views related to non-traditional sexual orientation and/or the determination of gender identity other than the biological, in the system of preschool and school education is prohibited."*

Among the legal definitions appears one of the newly introduced terms, *"non-traditional sexual orientation"*, which is defined as: *"different from the generally accepted and enshrined in the Bulgarian legal traditions notions of emotional, romantic, sexual or sensual attraction between persons of opposite sexes"*.

2. Violations to the Constitution of the Republic of Bulgaria

The adopted amendments to the PSEA directly violate the Protection from Discrimination Act, as well as the following provisions of the Constitution of the Republic of Bulgaria:

- *Article 39 (1) – Everyone shall be entitled to express an opinion or to publicise it through words, written or oral, sound or image, or in any other way.*
- *Article 39 (2) - This right shall not be used to the detriment of the rights and reputation of others, or for the incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of enmity or violence against anyone.*
- *Article 41 (1) - Everyone shall be entitled to seek, obtain and disseminate information. This right shall not be exercised to the detriment of the rights and reputation of others, or to the detriment of national security, public order, public health and morality.*

Despite public protests, petitions and numerous official letters and positions/opinions, indicating the risks of direct violation of human rights and appeals to veto the amended PSEA, addressed to the President of the Republic of Bulgaria Rumen Radev, the amendments were signed into a law with a decree for their promulgation and entry into force.

3. Risks for children

This legislative action constitutes a direct violation of children's rights as outlined in the United Nations Convention on the Rights of the Child (UNCRC), to which Bulgaria is a signatory. The Bulgarian law infringes upon the right to *"receive and impart information and ideas of all kinds"* enshrined in Article 13 and the related right of *"access to information"* enshrined in Article 17. General Comment 12 of the Committee on the Rights of the Child further emphasises that access to information is essential for children to exercise their right to be heard.

Moreover, the law violates the right to education itself which, according to Article 29 of the Convention, should be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential and the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups.

The Bulgarian law also contravenes the right to non-discrimination and could pose serious risks for LGBTQI+ children and families, such as stigmatisation, violence, and bullying. This environment could lead to the dehumanisation of an entire group of children and create a hostile educational and working environment for students and teachers alike. It restricts their right to express opinions and the duty to respond to children's questions and needs.

The law could endanger students who come out as LGBTQI+, stigmatise and ostracise those who ask questions about sexual orientation, and prevent school psychologists from addressing these issues if adolescents wish to discuss them. The Act also opens the door to false accusations and a "witch hunt," while contributing to the shrinking of civic space and the limitation of the rights of all marginalised groups.

4. Dangers to Bulgarian democracy

The draft bill for these amendments bypassed the standard procedures for public consultations and impact assessments as mandated by the Normative Acts Law. This omission is particularly troubling from a democratic standpoint, as key stakeholders, including educators, civil society organizations, and trade unions, were not consulted. Furthermore, the amendments were rapidly advanced through the legislative process, with both readings and the associated deliberations in the National Assembly being conducted in a single day. This accelerated timeline did not allow for comprehensive discussions and consultations.

One of the petitions claiming the amendments were unconstitutional, irrelevant/unfounded, unsustainable and unclear from a legal and grammatical point of view, was initiated by a teacher and signed by more than 800 other teachers within the span of 5 days. On 22 August 2024, the Vazrazhdane/Revival Political Party (Varna division) made public the names of the teachers from Varna who had signed the petition, allowing for their public victimisation, and blacklisting while also demanding that school directors take corrective actions. This is an example of how the amendments of the PSEA may be misconstrued and how people and professionals in general can be subject to repression, false and unfounded accusations and bans from expressing an opinion.

Following the enactment, a new proposition for amendments to **Article 348 of the PSEA** was made by another parliamentary group: ***"in case of violation of Article 11(2), p. (3) a deprivation of the right to practice a certain profession or activity for a period of up to two years may also be imposed"***. The purpose of this amendment, with signature No. 50-454-01-73, is to add a sanction provision to the newly adopted paragraph. 3 of Art. 11 of the PSEA prohibition. While this proposition was later withdrawn, its mere introduction is indicative of the measures that these amendments could lead to.

5. Reactions at the international level

Actors at the international levels have shown their concerns. [Human Rights Commissioner of the Council of Europe Michael O'Flaherty](#) appealed President Radev not to sign the law. The [European Commission](#) has requested clarifications from Bulgaria on the adopted amendments to the PSEA which banned allegedly "the LGBT propaganda in school". This became clear from a letter sent from European Commissioner for Equality Helena Dalli to the Bulgarian Minister of Education and Science Galin Tsokov. The response from the Ministry of Education and Science was due by the end of August 2024. However, this has not yet been received. [United Nation Human Rights Office Spokesperson Liz Throssell](#) made a statement on anti-LGBT legislative changes in Bulgaria deeply concerned by the signing into law of a legislative amendment prohibiting discussion of sexual orientation and gender identity in schools.