

Intersex Rights in Bulgaria

The current briefing regarding the rights of intersex people in Bulgaria is submitted by Bilitis Foundation in the framework of the adoption of the list of issues prior to reporting (LOIPR) for Bulgaria during the 71st session of the Committee against Torture, to draw the attention of the Committee to concerns specifically affecting intersex people in Bulgaria.

Summary

- **The antidiscrimination law does not include sex characteristics as a protected ground;**
- **Intersex identities are highly medicalized, the rights-based approach to intersex people is not yet a standard in the health sphere;**
- **Public attitude to intersex was strongly influenced by the anti-gender ideology, which hit Bulgaria in 2018, in relation to the ratification of the Istanbul convention.**

Legislation

Intersex rights are not protected by the Law on Protection against Discrimination; the latter does not include sex characteristics as a protected ground. Intersex identities are highly medicalized. There is no legal ban on corrective surgery conducted without the consent of the intersex individuals. Most of these “normalizing” treatments take place in early childhood with the consent of the parents. Intersex bodily integrity is not protected, because the intersex identities are considered “deviations” from the norm in the health sphere.

Health Sphere

The National Health Law (the latest revision promulgated in the State Gazette, issue 41 from 2009, in force from 2.06.2009) emphasizes equal access to health services for all individuals (Art. 2, point 1). There is no explicit mentioning of LGBTI in that legal document. The law provides special health protection to the following groups: children, pregnant women, mothers of children up to 1 years old, people with physical disabilities and people with physical disorders. Article 85 states that patients are guaranteed access to health care regardless of their age, sex, origin, language, nationality, race or political affiliation, education, beliefs, cultural level, sexual orientation, personal, public, or material status, disability, and type or reason for the disease. Similarly to the anti-discrimination law, sex characteristics are not a protected ground.



Field research conducted by Bilitis within the EU-funded OpenDoors project (February, 2020 - report not yet published) showed that Medical science students do not come across the term “intersex” in their studies. They come across different conditions, which are related to the intersex identities, and the latter are described as genetic and other disorders. The intersex identities are thus highly pathologized. The most common term related to intersex is “disorder of sex development”. There are special departments dealing with this disorder in 2 university hospitals in Bulgaria - one in Varna and one in Sofia. Bilitis has established contact with the heads of these departments and conducted meetings to raise awareness of the need to apply a human-rights centered approach in treating intersex children. The medical practice, unfortunately, remains arbitrary, because of the lack of clear medical standard, which protects intersex children from unnecessary corrective treatment. It is commonly the parents who insist on “normalizing” treatment. In the absence of sanctions for unneeded corrective treatment, and in the absence of effective support for integration of intersex children in the education system, the health practitioners often prescribe normalizing therapies that respond to the needs of the parents.

Public Attitude

The anti-gender movement reinforced the traditional binary division of genders in society, and the immediate effect was that parents of intersex children were terrified to accept the thought that their child does not fit into this binary. The consequence was that many parents began asking for “medical help” to prevent the development of their child outside the gender-binary norms. The requests for medical interventions for “normalizing” procedures on intersex children have increased since the beginning of 2018. We have received this information from the two public hospitals that are most often contacted in such cases – the Alexandrovska hospital in Sofia (part of Medical Academy), and the St. Marina Hospital in Varna, which has a department dealing with “disorders of sex development”. As a result, the invisibility and hiding of intersex people was strongly reinforced by the anti-gender movement.

In addition to reinforcing the need for normalizing medical treatment of intersex children, the anti-gender ideology had a more profound effect on society at large. The gender dichotomy became an untouchable axiom, i.e. variations could no longer be discussed publicly, more specifically in the education sphere, without raising a loud reaction from “concerned citizens”/“concerned parents” that children will be turned into “genders” (a slang term which replaced “pederast”, but has a much more negative connotation). We went way backwards in the field of educating about gender diversity: it was no longer possible to even mention this in schools. NGOs were prohibited to work at schools on topics related to gender or sexual diversity; even educational materials on prevention of STIs were questioned, if/when they include content about men having sex with men. In short, the anti-gender movement stopped the entire progress on inclusion of SOGISC topics in public education, and led to a backwards development.