Executive Summary for Bulgaria

Introduction

Since 2002 a number of important changes have been made to Bulgarian legislation and new pieces of legislation have been adopted with a view to further transpose the *Acquis Communautaire* in the field of equal treatment for women and men.

Significant progress on gender equality legislation has been made through amendments and new provisions to already existing laws, such as *inter alia* the Labor Code, and the Social Insurance Code. However, the most substantial progress and step forward was made through the adoption of a new act, the Law on Protection against Discrimination (hereinafter "LPD"), promulgated in State Gazette No 86/30.09.2003, which entered into force on 1 January 2004.

The adoption of an anti-discrimination law and the establishment of a specific body for its implementation were among the recommendations made by the Commission against Racism and Intolerance to the Council of Europe. The adoption of the LPD was an important condition for closing Chapter 13 on "Social policy and employment" in the negotiations for Bulgaria's EU membership. The LPD provides the main legal framework in the field of anti-discrimination applicable to all forms of discrimination in all spheres of social life. It regulates the bodies, procedures and mechanisms for protection against discrimination and provides measures to discontinue any infringement and punish any violation of the anti-discrimination law. It can be stated that the LPD is the first step towards the creation and provision of legal guarantees for equal treatment of women and men. However, the authorities and mechanisms for protection against discrimination, which according to the LPD should have been set up by the end of March 2004, have not yet begun their work.

Trafficking in human beings has been a criminal offence under the Bulgarian Penal Code since 2002. The Law on Countering Trafficking in Human Beings was adopted and entered into force on 1 January 2004. The law regulates the powers of authorities involved in combating trafficking in human beings and the status of the shelters, centers and commissions for protection and support of victims of human trafficking. The law introduces measures for prevention from trafficking, as well as measures for protection and assistance for victims of trafficking.

On 30 June 2004, the Bill on Protection against Domestic Violence was adopted at the first reading by the National Assembly. It legally defines the term 'domestic violence' and envisages the regulation of issues related to domestic violence, as well as measures

for protection. The bill aims to institutionalize protection and rehabilitation, and make these easily accessible and affordable.

The institution of the Ombudsman was introduced in Bulgarian legislation with the Law on the Ombudsman, which was adopted in 2003 and entered into force on 1 January 2004. The Ombudsman's vocation and duty is to intervene by means envisaged by law to protect citizens' rights and freedoms that are violated by acts or omissions by state and municipal authorities, administrations or by a person assigned with the provision of public services.

Institutional mechanisms

At present, there is no separate Committee within the National Assembly specifically assigned to work on gender equality issues. Such functions are attributed to the standing Human Rights and Religious Affairs Committee, which considers bills on anti-discrimination and equal treatment issues.

There is no specialized body or authority established with the Council of Ministers to deal with gender equality issues.

In order to comply with EU Directives related to equal opportunities for women and men, the Council of Ministers adopted Decree 155/31.07.2000, through which the Rules of Procedure of the Ministry of Labor and Social Policy were amended. Following the changes, the Minister of Labor and Social Policy became responsible to work out, organize, coordinate and control the execution of state policy in the area of achieving equal opportunities for women and men. The Minister is also authorized to make proposals to amend existing legal acts and adopt new ones, as well as to propose, arrange and coordinate with other state authorities' programmes and projects in the field of equal opportunities. This has been the first step to face and introduce gender issues and problems, and to institutionalize them. In March 2004, a sector on Equal Opportunities for Women and Men was established at the Ministry of Labor and Social Policy. It is to act as the Equality Body of the executive power, responsible for monitoring state policy in the field of gender equality.

In February 2003, a Consultative Commission on Equal Opportunities was set up at the Ministry of Labor and Social Policy. The Commission consists of representatives of the state authorities responsible for the elaboration and implementation of gender equality policy, social partners and NGOs. It is chaired by the Minister of Labor and Social Policy; the Deputy Chair is a representative of non-governmental organizations, working on women's issues. Its aim is to improve coordination in the process of gender and social equalization in Bulgaria and reinforce the administrative capacity of State's institutions and organizations responsible for equality policy.

The Commission for Protection against Discrimination is regulated by Chapter III of the LPD. It is an independent specialized state body for the prevention of discrimination, protection against discrimination and ensuring of equal opportunities. The Commission exerts control over the implementation and compliance of LPD and other laws regulating equal treatment.

NGOs play a tremendous role in addressing gender equality issues and continue to act as a major engine in the process of bringing closer the concepts of equality for women and men, awareness raising, implementing the principle of equality, changing patterns and stereotypes, and promoting measures to eliminate discrimination.

Policies, programs and awareness raising

The Employment Strategy 2004–2010, approved by the Council of Ministers on 6 November 2003, pays special attention to the need to develop policies on equal opportunities for all social groups to the labor market and to make these freely and easily accessible. The achievement of equality is to be pursued through two basic forms of actions:

- General measures refer to the establishment of legislative, institutional and a resource base for guaranteeing equal opportunities for women and men;
- Specific measures refer to social groups that are considered to be disadvantaged and in an unequal position in the labor market as compared with other persons.

The National Action Plan for Employment for 2004 outlines two basic aims to be achieved: an increase in the levels and quality of employment on one hand, and an increase of the employability and integration of disadvantaged groups in the labor market on the other. The 2004 Plan includes actions that are part of the activities of the Employment Strategy, which are presented in specific directions to develop the labor market, including the "Development of a policy for equal opportunities and a labor marker that is free and accessible to all social groups."

The Plan aims to increase the rate of employment for women and improve the quality of employment, as well as to promote women's economic activity in order to overcome the employment gap between women and men.

In the field of education, gender studies are offered by few universities in Bulgaria in their Master's and Doctoral Programmes.

Provisions in the LPD and in the Strategy for Modernization of the State Administration regulate the policies (1) in education: to eliminate sex-stereotypes in schools textbooks and teaching; (2) in public administration: to remove obstacles faced by women trying to reach higher and managerial positions and to increase women's participation in representative bodies. However, no concrete measures for their

implementation have yet been undertaken. No data is available concerning the resources allocated to support mechanisms for the promotion of equality between women and men, or to indicate to what extent and with what impact gender equality policies are included in the abovementioned objective areas.

Research and statistics

Limited gender disaggregated data is presently available in Bulgaria. The National Statistical Institute (NSI) is to provide information and statistics on different issues divided by gender. The data refers to employment-related issues as well as demographic issues. Since 1998, the NSI has, on a regular basis, published a special publication entitled *Employment and Unemployment,* which contains data on levels of employment, the unemployment rate, reasons for unemployment, educational levels, employment in an independent activity, shares in employment and unemployment, employment by sectors and types of activities, involvement in independent activities (i.e. self-employment), participation in qualification courses, participation in small business alternatives of unemployment, breakdown of unemployment by age groups of women, and data about the long-term unemployed.

Because the anti-discrimination act is new and there is a lack of related practice, it is difficult to collect and process related data. However, awareness and activity in this field remain low and the limited number of research and developed statistics for the labor market shows that although there are legal mechanisms for protection, they are not actively used and hidden gender discrimination continues to exist.

Key recommendations

- A separate national strategy dealing with equality between women and men should be developed;
- This strategy should address issues of coordination of state authorities dealing with gender issues, the distribution of functions, the adoption of laws and the establishment of relevant institutions, as well as their funding and financial implications;
- Gender indicators should be prepared so that the National Statistical Institute can collect and process statistical data to monitor gender equality;
- Necessary funds should be ensured to guarantee the establishment of the required institutions;
- A special sub-committee on equal treatment for women and men should be created within the Human Rights and Religious Affairs Committee of the National Assembly;

- A national council for recognizing and encouraging equality between women and men should be established with the Council of Ministers;
- An expert on gender issues should be appointed within each ministry;
- An expert on gender issues should be appointed within each municipality;
- The Sector on Equal Opportunities for Women and Men at the Ministry of Labor and Social Policy should focus primarily on issues related to equal opportunities and make public announcements of its work and activities;
- In addition to the LPD a special law on equal treatment for women and men should be adopted, in order to grant positive measures for improving women's representation, especially in the elected bodies.
- Regulations should be consistent in their use of terminology, in order to ensure a unified administrative and court practice, and avoid grounds for differential interpretation and disputes;
- Information should be made available about cases of discrimination that are taken to court.