

Equal Opportunities for Women and Men

*Monitoring law and
practice in new member states
and accession countries of the
European Union*

2005

PARTICIPATING COUNTRIES:

Bulgaria
Czech Republic
Estonia
Hungary
Lithuania
Poland
Romania
Slovakia
Turkey

Center of Women's
Studies and Policies



Equal Opportunities for Women and Men

Monitoring law
and practice in

Bulgaria

by Gergana Ilieva, Magdalena Delinesheva

2005

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Preface

BRINGING THE EU HOME

“Bringing the EU Home” is a three-year project (2004–2006) conceptualized as a follow up to the Program on Equal Opportunities for Women and Men in the European Accession Process (EOWM), which was a joint initiative of the Open Society Foundation Romania and the Network Women’s Program of the Open Society Institute*. The EOWM projects stemmed from the Open Society Institute project to monitor the progress of candidate countries as they prepared themselves for integration into the European Union and ensured that they met the Copenhagen political criteria, particularly in relation to the independence of the judiciary, minorities’ rights, and anti-corruption. Given the *acquis communautaire* in the field of equal opportunities for women and men, which accession countries are required to adopt and comply with, an independent programme, EUMAP, to evaluate the status of accession countries from this perspective was developed.

An assessment of the status of equal opportunities, *de jure* and *de facto*, was carried out in seven of the ten candidate countries: Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland and Romania. The EU Directives on equal opportunities provided the framework for monitoring and analyzing corresponding legislation, institutions and practices. The Directives related to the principle of equal pay for work of equal value; equal treatment as regards employment; protection of pregnant, and breastfeeding women, and women who recently gave birth; the burden of proof in cases of sex-based discrimination, and non-discrimination against part-time workers were analyzed in 2001. The remaining Directives on self-employed workers, parental leave, and social security schemes were assessed in 2002.

The final report, including an overview and executive summary for each country, was published in November 2002. Each country report and executive summary was translated into the national language and used as an advocacy/research tool. 2002 and 2003 were years of intensive outreach efforts, both nationally and at the EU level. Countries organized roundtables and meetings for NGOs, government officials, lawyers, and media to publicize the findings of the reports. The English version was used for advocacy at the EU level, and sent to members of Parliament from EU and candidate countries. Country information was presented twice at meetings in Brussels, and the final reports were launched at the European Parliament in November 2002.

* Monitoring the EU Accession Process: Equal Opportunities for Women and Men 2002, <www.eonet.ro>

The project “Bringing the EU Home” aims to promote awareness, advocacy and enforcement of equal opportunity legislation at the national level and to build the capacity of national actors in civil society to use EU-level mechanisms effectively. In this context, new, updated monitoring was carried out in 2004.

A detailed assessment of the legislative developments, institutional mechanisms, policies, programs and research at the national level was carried out in Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia* and Turkey.*

Each country report contains key recommendations related to legislation, institutional mechanisms, policies and programs, awareness raising and research initiatives and outlines specific areas of concern. On-going updates will be made to the reports and available online, in order to ensure different groups can access the most current information easily.

The project further aims to help raise the significance of equal opportunities on the European agenda within new member states and within the process of on-going and new accession negotiations, and create a unique platform for new member states and accession countries. It is therefore about “bringing the EU home.”

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1. LEGISLATIVE OVERVIEW

During the two-year period following the 2002 Report *Equal Opportunities for Women and Men* a number of important changes have been made in the Bulgarian legislation and new legal instruments have been adopted with regard to further transposition of the *acquis communautaire* in the field of equal treatment for women and men. In order to ensure compliance with the primary and secondary legislation of the European Union (EU) in the area of protection against discrimination, Bulgaria undertook a number of substantial and important actions in its legislation. Requirements for anti-discrimination actions and policies for equality of women and men are laid down in Chapter 13 “Employment and social policy” of the accession negotiations. Following the recommendations made by the European Commission in its regular reports in the negotiation process related to the criteria set out in Chapter 13 “Employment and social policy,” Bulgaria effected a successful transposition of key Directives on equal treatment for women and men.

On September 20, 2002, Bulgaria signed a Memorandum of Understanding with the European Community for participation in the Community program. The Law on Ratifying the Memorandum was adopted at the end of 2002. The Framework strategy requires that problems and needs of women and men are all equally taken into consideration when policies are elaborated and measures are implemented, that is, the *gender mainstreaming* concept should be introduced. The gender mainstreaming approach combines involvement, on one hand, of all policies and measures for achievement of equality by taking into account their effect on women and men separately and on the other hand, positive measures for supporting women.

Significant progress in the gender equality legislation was made through amendments and new provisions in already existing laws, such as the Labor Code and the Social Insurance Code. But the most substantial progress and step forward was made through the adoption of a new act – the Law on Protection against Discrimination (hereinafter, the LPD),¹ which entered in force on January 1, 2004.

As mentioned in the 2002 Report, the Bill on Equal Opportunities for Women and Men, elaborated in 2000 and submitted to the National Assembly in 2001, was rejected on grounds that a comprehensive anti-discrimination law was on its way to be drafted.

¹ Law on Protection against Discrimination, promulgated in the *State Gazette*, No. 86 of September 30, 2003.

Adoption of an anti-discrimination law and establishment of a specific body for its implementation were part of the recommendations made by the Commission against Racism and Intolerance to the Council of Europe. The undertaking of an engagement for adoption of the Law on Protection against Discrimination was an important condition for closing Chapter 13 “Employment and social policy” of the negotiations of Bulgaria for 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 the social life. It regulates the bodies, procedures and mechanisms for protection against discrimination and provides measures for discontinuation of any infringement and punishment of 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. Next step is the authorities and mechanisms for protection against discrimination as provided in the LPD to commence their work, which has not happened yet.

1.1 Law on Protection against Discrimination

The Law on Protection against Discrimination provides protection against all forms of discrimination and has a codifying nature. The adoption of the LPD brought about a new perspective for the Bulgarian anti-discrimination legislation. The significance of this development can be briefly outlined in the following:

1. The LPD introduced a list of discrimination grounds. This is a non-exhaustive list as it is planned that it will be further developed in separate material laws.
2. A special merit of the LPD is that it provides legal definitions for ‘harassment’, ‘victimization’, ‘sexual harassment’, ‘race segregation’, ‘unequal treatment’, ‘multiple discrimination’, and – perhaps the most important – for ‘direct and indirect discrimination’. Most of the definitions reflect the wording and meaning of the terms used in the transposed Directives.
3. The LPD provided an exhaustive list of explicitly given cases when unequal treatment shall not qualify as discrimination and difference in treatment is justified. This makes legislation more strict and accurate and thus renders it a powerful tool for reasonable and effective protection against discrimination.
4. Affirmative actions are laid out in the law although not exhaustively. Affirmative actions are extremely important instruments in combating discrimination and particularly for achieving the objectives of the LPD to ensure equality for everyone before the law, equal treatment and opportunities in the social life as well as effective protection against discrimination.

The Law sets the grounds for prevention from various forms of discrimination in all spheres of social life. It aims to combat inequality and eliminate all forms of discrimination. The LPD is the first law to provide comprehensive and detailed legal regulation in the field of protection against discrimination bringing through the ideas and principles of equal treatment, laying down the grounds for the basic understanding of equality as value to be maintained, fostered and protected. The LPD introduced the principle of a minimum 40 percent representation of the previously under-represented sex in state, municipal and local government authorities and imposed an obligation to persons engaged in the education and childcare to implement methods of work aiming to overcome the negative stereotypes for the role of women and men in social and family life. An important principle related to the burden of proof is also introduced through the LPD. If, based on the statements of the plaintiff, it can be reasonably concluded that an act of discrimination has been done, it is upon the defendant to prove that there is no case of discrimination (reversal of the burden of proof).

Another important contribution of the Law is the establishment of a special authority for implementation of the regulations related to protection against discrimination – the Commission for Protection against Discrimination (hereinafter the “Commission”, see also Section 2.3 below). The Commission is an independent state body for prevention and protection against discrimination, which shall ensure application of the principle of equal opportunities in practice. The Commission shall control and monitor not only the implementation and compliance with the provisions of the LPD, but other laws and acts on equal treatment as well. Members of the Commission are appointed according to a quota system by the National Assembly and the President of the Republic of Bulgaria. The construction in which the Commission as an independent body outside the executive power reporting to the National Assembly should be appreciated, hence discrimination acts are often encountered at the administration level and the Commission would not have been effective if it was part of the executive power. The work of the Commission to ascertain and impose sanctions is carried out by its members divided in different specialized sections. The Commission is entitled to impose coercive administrative measures, as well as administrative penal sanctions such as fines and material sanctions. The decisions of the Commission can be appealed before the Supreme Administrative Court, which forces the Commission to be objective and unprejudiced in its work. Persons who have been subject to discrimination and seek protection and remedy against it may choose between the administrative or the judicial procedure. Judicial proceedings involve measures to terminate the respective violation, to recover the status quo existing before the violation and compensation for the damages suffered.

For a long period of time, persons subject to discrimination faced great difficulty or did not have any chance at all to seek protection due to the lack of any specific provisions and mechanisms for safeguarding equal opportunities for women and men. The

prohibition of discrimination stated in Article 8(3) of the Labor Code and the definition of ‘indirect discrimination’, which existed in Article 1(7) of the Additional Provisions of the Labor Code were not an adequate and sufficient legal basis for protection against various acts of discrimination. The person subject to discrimination did not dispose with a separate court action in order to initiate a court trial and seek remedy in fact and no specific provisions existed, which victims of discrimination could have invoked.

The LPD is a reflection and further development of the principle for prohibition of discrimination proclaimed in Article 6 of the Constitution of the Republic of Bulgaria. Moreover, it is the basic instrument for the transposition of key EU Directives related to gender equality and equal treatment as regards employment, working conditions, remuneration, vocational training, and burden of proof:

- Directive 76/207/EEC on the Implementation of the Principle of Equal Treatment for Women and Men as Regards Access to Employment, Vocational Training and Promotion, and Working Conditions;
- Directive 97/80/EC on the Burden of Proof in Cases of Discrimination Based on Sex;
- Directive 75/117/EEC on the Approximation of Laws of the Member States Relating to the Implementation of the Principle of Equal Pay for Women and Men;
- Directive 2000/43/EC on the Implementation of the Principle for Equal Treatment of Persons, Irrespective of Their Race or Ethnic Origin;
- Directive 2000/78/EC on the Creation of a General Framework for Equal Treatment as Regards Employment and Professions; and
- Directive 92/85/EEC on the Measures for Encouragement of Improvements in the field of Health and Safety Labor Conditions for Pregnant or Breastfeeding Employees.

Thus, the alignment and harmonization of Bulgarian legislation with the *Acquis Communautaire* made a remarkable progress.

Apart from adopting the basic anti-discrimination law, Bulgaria continued to transpose the Directives of the EU related to equal treatment for women and men by means of amending and supplementing existing legal acts.

Numerous changes have been made to the Labor Code, which deals with the right to labor and regulates the relations related thereto. As result of the transposition of Directives 76/207/EEC on the implementation of the principle of equal treatment for women and men as regards access to employment, vocational training and promotion, and working condition, as well as Directive 2000/43/EC and Directive 96/34/EC on

parental leave, two groups of amendments were made in the Labor Code: *general anti-discrimination rules* and *provisions aimed to abolish discrimination on the grounds of sex*. The first group includes the amendment of Section 8(3) of the Labor Code, which proclaims the prohibition of discrimination in labor relations. The other group includes changes in the provisions of the Labor Code related to working hours, introduction of the parental leave benefit and amendments in the prohibition of certain types of labor for certain labor categories.

1.2 The Labor Code

In order to fulfill the commitments Bulgaria undertook in the accession negotiations, it had to make certain amendments to the Labor Code to ensure its compliance with the EU Directives. The approximation was carried out by means of introducing new provisions and supplementing the existing ones. One of the newly introduced provisions refers to *parental leave*. It is regulated by Article 167 of the Labor Code. By definition, parental leave is an unpaid leave for raising a child up to the age of three. The employer is obliged to permit parental leave upon request of the employee. The Law does not distinguish between women and men and is valid for both natural and adoptive parents. What is specific about parental leave in comparison with the other types of leaves for raising a child is that it is a right equally granted to each one of the parents. Each of the parents is allowed a six-month unpaid leave irrespective of the right of the other parent. This is not the case with the other childcare leaves under the Labor Code, which are set out as an exclusive right of the mother and can be granted to the father or grandmother/grandfather only upon the mother's explicit consent. Pursuant to the Labor Code, the parent (natural or adoptive), who takes care alone of a child is entitled to a twelve-month parental leave provided she/he is not married to the other parent and they do not live together or the parent is deprived of parental rights under a court decision if the other parent is dead. Parental leave is a challenge to the traditional concept of male and female roles. It put on the agenda the problem of reconciliation of work and family life and sharing of responsibilities. The provisions of parental leave are quite recently introduced and public opinion towards it is has not yet been polled.

The amendments made to the Labor Code aim to ensure equal access to employment for women and men. The prohibition for women to be employed for doing hard work or work detrimental to their health or reproductive functions has now replaced the provision of Section 307 of the Labor Code, which had referred only to pregnant and breastfeeding women. The absolute prohibition for commissioning pregnant women is now replaced by a provision following which a pregnant woman can be commissioned by the employer only upon prior written consent of that woman.

Prior to the amendments, *night work* was prohibited for pregnant women and mothers with children under the age of three. At present, the absolute prohibition refers only to pregnant women. Mothers with children under the age of three can perform night work only upon their prior written consent. The above rules apply also to overtime work where the old existing absolute prohibition for night work for pregnant women and mothers with children under the age of three is now replaced by an absolute prohibition only for pregnant women and a relative one for mothers with children less than three years of age.

The enhanced protection of pregnant women under the EU legislation was reflected in some amendments to the Labor Code related to the protection against dismissal. After the amendments made in 2004, employers may terminate unilaterally the labor contract of pregnant women only on the grounds expressly and exhaustively listed in the Labor Code. Furthermore, employees in maternity leave may be dismissed only in case of bankruptcy or closing down the entire enterprise.

Substantial legislative reform was made in the field of *pension scheme regulation*. The pension reform reflects the basic requirements for gender equality. The reform undertaken excludes any discrimination on grounds of sex of the pensioners. The pension received as well as the period for which the pension is granted depends primarily on the length of service and the installments made for the respective person. It should be noted that the pension system manifests formal equality of sexes, but no such equality is present in fact. The changes recently undertaken in the field of pensions and social security were aimed primarily to ensure financial stability of the social security sector. This becomes evident from the fact that the amendments introduce different amounts of the social security contributions according to the category of the jobs performed, increase of the social security burden, limited possibilities for early retirement, limited possibilities for indexation and recalculation of the pensions and increase of the required length of service.

The pension scheme reform aims to ensure a variety of the types and forms of pension security; a variety in the social system, which presently includes general obligatory social security, additional obligatory and additional voluntary social security; equality among secured persons and pensioners (women and men); fair distribution of the social security burden among employers, employees and self-employed persons. As far as gender equality issues are concerned, the pension system still has problems to solve. Such task is the introduction of uniform requirements for the acquisition of pension right through bringing closer the pension age of women and men.²

² P. Loukanova, *Women and Men in the Pension System in Bulgaria* (Sofia: Center for Women's Studies and Policies, 2004).

The burden in the pension system reform is placed more heavily on women. Such is the case of the pension for length of service and age. The length of service required for men for the period 2000–2002 reached a peak of 38.6 years whereas for 2003–2004 it dropped down to 37 years and this shall be the required age from now on. In comparison, the minimum required age for women needed for acquisition of the right to pension was higher and therefore its change shall be extended for a longer period of time. Changes are scheduled to continue till 2009 when the required length of service shall become 34 years (32.6 years was required in 2000). It should be noted that the number of female pensioners exceeds the number of male pensioners. The reason for this is the earlier pension age for women and the shorter length of service required.

The unfavorable position of women with regard to pension schemes is influenced by the high unemployment percentage of women. Thus, the proportion between the number of registered unemployed women and men is 47.6 and 52.4, respectively, for 2002 and 45.8 and 54.2 for 2003.³

The social security income gap between men and women is due mainly to the different level of remuneration (see the statistical data below), as well as to the lower activity of women in earning additional income. The latter is explained by prioritizing family responsibilities for women.

A substantial change in the social security system was made through introducing the third pillar in the social security system: the additional voluntary social insurance. It covers risks such as old age, disability, death, unemployment and/or professional qualification.

Another important change in the social security system concerns the introduction of the mandatory minimum thresholds for social security income per activities and group of professions. Although the unequal position of women and men as to the size of the social security installments is not thus entirely overcome, the reform anyway makes a step forward in providing guarantees for equal minimum social security income on the basis of the profession irrespective of the person's gender.

1.3 Law on the Ombudsman

The institution of the Ombudsman was introduced into Bulgarian legislation by the Law on the Ombudsman, which was adopted in 2003 and entered into force on January 1, 2004. The Ombudsman's task and duty is to intervene, by the means envisaged in the law, in order to protect citizens' rights and freedoms when they have been violated by actions or omissions of the state and municipal authorities,

³ *Ibid.*

administrations or by the person assigned with the provision of public services. Thus in case the violation done is in relation to the right of equal treatment, the affected persons may refer to the Ombudsman.

1.4 Protection against Discrimination with Regard to Labor Relations

Discrimination on the labor market and the relations related thereto have been long discussed and the inequality between women and men has been identified as an acute problem. Various methods and approaches have been sought to explain discrimination present in the field of labor relations. The research and analysis undertaken show that discrimination comes out of long-established and persistent stereotypes on women's priority for family commitments, less professional experience and lower production capacity. Due to the automatic picturing of women belonging to the family life environment and firmly associating them with family responsibilities, employers still continue to apply sex-based criteria to measure the level of productivity of women as compared to that of men. They apply the sex-based criteria also when taking decision on employment of women, employment conditions and investment in women's qualification. Employers feel uncertain about the duration and continuity of the women's stay with the respective employer, which influences their decisions regarding the women's status. Due to above mentioned patterns in employers' behavior, it turns out that even qualified women may face difficulties when considered for well-paid jobs and positions. But a progress has been registered in slowly and gradually changing public opinion and attitudes towards women's skills and capacity.

The LPD pays special attention to the discrimination in employment whereas it is a vulnerable sphere of the social life where discrimination is most often encountered. Discrimination acts may be done at the time of recruitment of workers and conclusion of individual employment contracts. It is possible as well as subsequently, during the period of employment, after the labor relation has emerged and finally at the time of termination of the labor relation. Discrimination takes place most often during the period of employment and refers to working conditions, labor remuneration, professional career, working hours, leaves, disciplinary liability, etc. It is more typical to have discrimination effected by employers toward employees but it is also possible, as noted in the Bulgarian discrimination literature, to have discrimination carried out of one employee towards another.

With regard to the preceding and initial phases of the employment relation, the LPD takes measures to exclude discrimination providing that when a vacancy is announced, the employer cannot impose requirements based of discrimination criteria except in the cases exhaustively listed in the Law. In addition, an employer is prohibited to request from the candidate information related to any of the discrimination criteria before the

contract is signed. The LPD introduces an interdiction on employers to refuse to employ a candidate on the grounds of pregnancy, maternity or raising children or refuse to employ or employ under less favorable conditions on the basis of discrimination, except in specific cases listed by the Law. Once the labor relation has started, employers have to ensure equal working conditions.

The negotiation process of Bulgaria's accession to the EU was the leading incentive to additional legislative measures for the protection against discrimination with regard to labor remuneration. In 2001, the Labor Code stated that women and men are entitled to equal pay for the same work or work of equal value. The LPD proclaimed explicitly the principle of equal pay and set out an obligation on employers to ensure equal remuneration for the same work or work of equal value. The principle applies not only to labor remuneration but to all payments, compensations, and so on, concerning the labor relation, irrespective of their type, amount and grounds, paid directly or indirectly, in cash or in kind.

The *principle of equal pay* was further reinforced in the LPD, which proclaimed that the assessment criteria in determining labor remuneration as well as the criteria for evaluation of labor performance shall be equal for all employees with no reference to any discrimination based on different grounds. The existing Regulation on the Contracting of Labor Remuneration is consistent with the above principle whereas it provides that the remuneration shall be determined on the basis of the quantity, quality and effectiveness of work, labor conditions, economic reasons and resources required for the reproduction of the workforce and no discrimination criterion is mentioned.

The dynamics of modern life and the ongoing technological progress makes labor market quite sensitive to *professional qualifications* and job candidates are forced to maintain and increase the level of their professional knowledge and skills in order to be competitive on the market and meet the increasing job requirements of their employers. Professional qualification is an important factor not only with regard to employment. It also has substantial impact on employment conditions, labor remuneration and promotion. From the standpoint of employers the quality and capacity of the workforce is important as it exerts influence on the financial results, production output and goodwill of the enterprise. The restraint of employers from investing in the professional qualification and re-qualification of women is counteracted by the provisions of the new LPD, which imposes an obligation on employers to provide employees with equal possibilities for vocational training, professional qualification and re-qualification, as well as for professional development and promotion by applying equal performance criteria and indicators in the assessment of their activity, that is, irrespective of their gender.

Furthermore, pursuant to Article 24(2) of the LPD, the employers are obliged to promote the vocational development of employees, belonging to the under-represented

sex in the performance of a certain work or employed on a certain position. The law has thus introduced an *affirmative action measure* for overcoming the inequality between the sexes at the enterprise and ensuring equal treatment for women and men.

At the end of the labor contract, employers have to apply equal criteria when imposing disciplinary sanctions and exercising their right to a unilateral termination of the labor relation. In case the employer tries to impose discrimination clauses on the grounds of gender in individual or collective labor agreements, internal labor rules, or other rules elaborated by the employer, the latter shall be null and void due to contradiction with the imperative legal norms of the LPD. Such provisions shall be contrary to the explicit interdictions of the Law and shall therefore have no legal force.

1.5 Protection against Discrimination with Regard to Education

Existing stereotypes on gender roles can be traced back to school and education. In order to eradicate these stereotypes, the LPD sets out means for protection against discrimination with regard to right to education and training. Heads of training institutions are made responsible for taking effective measures so that any form of discrimination at the place of education is absolutely excluded. They should also display the text of the LPD on easily accessible places whereas information is one of the basic instruments in combating discrimination. The head of the training institution shall provide information to the persons who claim their rights have been violated. Special attention should be paid to Article 35 of the LPD, which is the legal basis for fighting stereotypes in the field of education. By virtue of this article, persons engaged in training or education, as well as the compilers of textbooks and learning materials, are obliged to provide information and to apply training and education methods aiming at overcoming the stereotype of the roles of women and men in all spheres of the public and family life. Kindergartens, primary and secondary schools, as well as universities are obliged to prepare their curricula and training programs taking account of the problems of equality between women and men.

2. 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. This is the competent Committee that considers bills on anti-discrimination and equal treatment issues. Furthermore, the Council of Ministers also has not established a specialized body or authority to deal with gender equality issues.

2.1 Ministry of Labor and Social Policy

With regard to complying with the Directives of the European Union related to equal opportunities for women and men, the Council of Ministers adopted Decree No. 155 of July 31, 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 becomes responsible to work out, organize, coordinate and control the execution of the state policy in the area of achieving equal opportunities for women and men. The minister is also authorized to make proposals for amendments to existing legal acts and adoption of new ones as well as to propose, arrange and coordinate with other state authorities' programs and projects in the field of equal opportunities. Actually, this is the first step to face and introduce gender issues and problems and to institutionalize them.

Under the present Rules of Procedure of the Ministry of Labor and Social Policy, the respective administrative structure working on gender problems is the Directorate on Labor Market Policy. The Directorate coordinates and elaborates the state policy in the areas of the labor market, the protection of the national labor market, professional training of manpower, equal opportunities for women and men and groups with unequal status on the labor market. There is a Department of Monitoring, Research and Assessment of the Labor Market that reports to the Directorate. The Department, together with the Directorate on Planning, Analyses and Prognosis, is responsible for analyzing statistical and social scientific information in order to establish and monitor gender indicators, on the basis of which to report on the equal treatment of women and men. A basic task pursued by the Department is the assessment of the implementation and effectiveness of the policy on equal treatment for women and men in the area of employment and its gender structure; labor and professional achievements of women and men; professional qualifications and possibilities for professional development; labor remuneration; and forms of direct and hidden gender discrimination.

Through the Council of Ministers' Decree No. 171 of August 2, 2002 a Coordination Council on the National Plan for Economic Development was established as a structure subordinated to the Council of Ministers. Following the above stated Regulation, the Ministry of Labor and Social Policy, together with other organizations and ministries, started the elaboration of an Operational Program for human resources development. The Operational Program envisages six programs, among which Program Four, which includes enforcement of the policy for equal opportunities, strengthening the guarantees for participation of women and men in the progress of society through ensuring equal access to training on the labor market and participation in the political decision-making process, etc. Another objective of the program is to assist and provide support in the protection against direct and indirect discrimination on the grounds of sex and promotion of equal opportunities for women and men in all spheres of the social life in Bulgaria.

2.1.1 Sector on Equal Opportunities for Women and Men

In March 2004, a Sector on Equal Opportunities for Women and Men was established at the Ministry of Labor and Social Policy. It acts as a body of the executive branch of power, responsible for monitoring state policy in the field of gender equality.

2.1.2 Consultative Commission on Equal Opportunities for Women and Men and for Disadvantaged Groups in the Labor Sphere

The National Action Plan for Employment for 2003 envisaged the establishment of a Consultative Commission on Equal Opportunities at the National Council for Promotion of Employment which itself is established at the Ministry of Labor and Social Policy and chaired by the Minister. The Consultative Commission on Equal Opportunities started its work at the beginning of 2003. The Commission consists of representatives of the state authorities, responsible for the elaboration and implementation of the equal opportunities policy, the social partners and NGOs. The Commission focuses on measures aiming to promote women's participation on the labor market. It is chaired by the Minister of Labor and Social Policy. The Deputy Chair is a representative of the NGOs, working in the field of women's issues. Its aim is to improve the coordination in the process of gender and social equality in Bulgaria. The work of the Commission is qualified as the first positive step to put equality issues on the agenda. However, having in mind its limited – primarily consultative – powers, and the absence of any controlling functions, such a structure is not able to ensure sufficient results in achieving gender equality.

The main activity of the Commission is to advance proposals and make recommendations for the elaboration and implementation of the National Action Plan for Employment, mainly in its part related to reinforcement of the equal opportunities policy. The Commission is further authorized to propose the adoption of national plan for equal opportunities for women and men and disadvantaged groups. The Commission is a part of the gender mainstreaming strategy in the process of working out and implementing gender equality policies. The achievement of equality between women and men *de facto* requires implementation of the gender approach in the preparation of the policies related to public life. The main objectives are the elaboration of gender indicators for measuring gender equality progress in all spheres of social life and organization and development of intense consultations with gender equality organizations. Specific tasks of the Commission with regard to gender equality are to diminish the difference in unemployment levels between women and men; to ensure balanced participation of women and men in all spheres of social life and to

develop a multi-purpose strategy for achieving gender equality in remuneration levels in both public and private sectors.

2.2 Local Authorities

Although at present only a few municipalities have structures dealing with equal treatment issues and problems of women, assisting consultative bodies are being gradually established with the Municipal Councils, called Public Council on Social Activities and Protection of the Child. In the course of its activity, the Council is responsible to recognize and resolve problems of women. Such Council is established in Razgrad. As of June 1, 2004, the Veliko Tarnovo Municipality appointed a special expert on gender, youth and children's issues. The responsibilities of the expert also include the development of an action plan promoting gender equality on the local level.

2.3 Commission for Protection against Discrimination

The Commission for Protection against Discrimination is regulated by Chapter III of the LPD. It is an independent specialized state body for prevention from discrimination, protection against discrimination and ensuring of equal opportunities. The Commission exerts control over the implementation and compliance of the LPD and other laws regulating equal treatment. It is proclaimed to be a legal person on budget support, having its head office in Sofia. It reports annually to the National Assembly.

The Commission is comprised of nine persons, of which at least four are jurists. The National Assembly appoints five and the President of the Republic appoints four of the members of the Commission. The mandate of the members of the Commission is five years. Members' selection and appointment is effected on the principles of balanced participation of women and men and participation of persons belonging to ethnic minorities. The requirements the members have to meet are: Bulgarian citizenship; higher education degree; knowledge and experience in the field of human rights protection; lack of conviction of deliberate crime of general nature. The members may not be sole traders, managers, procurators or members of executive or controlling bodies of commercial companies or cooperatives, syndicates or liquidators; may not hold another paid position, except in case of a scientific activity; may not be members of the governing bodies of political parties. In case the powers of a member of the Commission are terminated, the National Assembly or the President shall within a one-month period appoint a new member who will finish the mandate of the leaving member. The Commission shall adopt the Rules of Procedure, which shall be published in the State Gazette. (At the time of writing this report, the Rules have not been adopted.)

The Commission for Protection against Discrimination:

- finds out violations of the LPD and other laws, which regulate the equal treatment, the offender and the affected person;
- brings about prevention from and termination of the violation and restoration of the initial situation; imposes sanctions and enforces administrative coercive measures;
- makes obligatory prescriptions for compliance with the LPD and other laws in the field of equal treatment;
- appeals against the administrative acts that are in contradiction with the LPD and other laws in the field of equal treatment;
- brings claims before the court and acts as a concerned party in court proceedings under the LPD and other laws in the field of equal treatment;
- makes proposals and recommendations to state and municipal bodies for termination of discrimination practices and cancellation of their acts, issued in contradiction to the LPD and other laws in the field of equal treatment;
- maintains a public register of its decisions and obligatory prescriptions, already adopted and become effective;
- elaborates opinion on the conformity of bills with the legislation for prevention from discrimination, as well as recommendations for adoption, repeal, amendment and supplementation of legal acts;
- provides independent assistance to the victims of discrimination in submission of complaints against acts of discrimination;
- conducts independent research related to discrimination; and
- publishes independent reports and provides recommendations on all issues related to discrimination.

The Commission works and adopts decisions on the cases brought before it in panels, which are appointed by the Chair of the Commission. The latter also appoints permanent panels, specialized in different grounds of discrimination: ethnic and racial; gender; and other grounds of discrimination.

The Chair of the Commission represents the Commission; organizes and manages the work of the Commission; concludes labor contracts and appoints the civil servants in the administration; and oversees the budget of the Commission. In case the Chair of the Commission is not present, the Deputy takes his place.

The structure and organization of the Commission as provided for in the LPD does not envisage regional subdivisions of the Commission, which shall delay and put

obstacles to the quick access to it for persons subject to discrimination, who are not living in Sofia.

2.4 The Ombudsman

The Ombudsman is appointed by the National Assembly for a term of five years and enjoys the immunity of the Members of Parliament. The Ombudsman prepares and submits an annual report on its activities to the National Assembly by March 31 every year. The Ombudsman is obliged to maintain a public register with information on the complaints and signals received by it and their movement and to issue a bulletin on its activities, which are declared to be public. The state and municipal authorities as well as all natural and legal persons are obliged to provide the Ombudsman with information and assistance.

The Ombudsman is empowered and authorized to receive complaints and notifications on violations of rights and freedoms done by the state and municipal authorities, their administrations or by persons assigned with the provision of public services; to undertake examinations in relation to the complaints and signals received; to reply in writing to the person who brought the complaint or notification within a period of one to three months, depending on the case; to make proposals and recommendations to the respective authorities for reinstatement of the violated rights and freedoms; to mediate between the administrative authorities and the affected persons for overcoming the violations; to make proposals and recommendations for eliminating the reasons and conditions, which were prerequisites for the violations; to refer to the bodies authorized to approach the Constitutional Court in cases when it deems the Constitution needs interpretation or a law has to be declared contrary to the Constitution; and to notify the Prosecution office in case there is information that a crime has been committed.

It is important to note that the Ombudsman is authorized to commence work on its own initiative in case necessary conditions for protecting citizens' rights and freedoms have not been created. The Ombudsman is allowed access to the authorities, including attending their discussions and meetings; to request and receive information from the authorities; to express opinion and make statements publicly, including in the mass media.

Complaints and notifications may be submitted free of charge to the Ombudsman by natural persons, irrespective of their citizenship, gender, political orientation or religion. The Ombudsman shall not consider complaints and signals if they are anonymous or refer to violations committed before more than two years. The Law provides administrative sanctions in case the activities of the Ombudsman are hindered or impeded anyhow.

At the time of writing this report, the Ombudsman has not yet been appointed although the law provides this to be done until March 2004. As a consequence, the Rules of Procedure of the activity of the Ombudsman are not adopted either. Again, one encounters the same situation as with the LPD and the Commission on the Protection against Discrimination: the legal framework is present but its implementation and the establishment of the envisaged institutions are lagging behind.

2.5 Labor Inspectorate

The General Labor Inspectorate–Executive Agency is responsible for carrying out overall control for observance and compliance with all regulations in the field of labor law. The Inspectorate has powers also to exercise control over acts of discrimination in the field of labor relations. It is authorized to enforce coercive administrative measures for termination and prevention from violations of the labor legislation. Upon its initiative or at proposals made by trade union organization, the Labor Inspectorate is authorized to give compulsory prescriptions for termination of violations of the labor legislation as well to stop the execution of illegal decisions or orders of employers and servants, etc. and to impose administrative sanctions for violations of the labor legislation.

2.6 The Role of the Civil Society

Non-governmental organizations have played a tremendous role in addressing gender equality issues and continue to act as major factors in the process of bringing closer the concepts of equality for women and men, awareness raising, implementation of the principle of equality, changing patterns and stereotypes, promotion of measures for elimination of discrimination, etc.

The number and diversity of NGOs addressing gender issues manifest the resolution and readiness of the NGO sector to bring forth the problems and disseminate the concept of equality between women and men throughout the Bulgarian society and to work hard to achieve proper understanding and identification of gender issues from authorities, institutions and citizens.

2.6.1 The Role of the NGOs

The role of the NGOs may be outlined in several directions:

5. Awareness-raising on gender issues, problems, and principle of equality between women and men. The NGOs organize regular free access discussions and public lectures.
6. Participation in work groups drafting legislation in the field of equal opportunities for women and men, as well as lobbying in the field. For example, the Bulgarian Gender Research Foundation and other NGOs participated in working the draft and lobbying for the Bill on the Protection against Domestic Violence.
7. Participation in the work of governmental and national bodies and authorities. NGOs participate in the work of the Consultative Commission on Equal Opportunities for Women and Men at the Ministry of Labor and Social Policy.
8. Dissemination of information, booklets, posters, electronic and printed materials on the issue of equality between women and men; organization of campaigns. Thus, the 16-Day Campaign against Violence against Women, coordinated in Bulgaria by the Nadja Foundation Center, distributes a large variety of information materials; the White Ribbon Campaign organized by the Bulgarian Gender Research Foundation attracts more men for the cause of non-violence by distributing during the campaign white ribbons, booklets, etc., and many other campaigns.
9. Assistance to the victims of domestic violence: legal consultations, psychological support, and hot line telephones, social support, etc.
10. Participation in national and international forums on the issue of equality of women and men, cooperation with the Member States of the EU and the candidate countries for accession to EU, etc. (For example, there is a joint program of the Center for Women's Studies and Policies Foundation, Sofia and Association for Support and Training of Women Candidates for Elective Positions (KADER) of Ankara for monitoring and training of the women's NGOs in Bulgaria and Turkey on the achievements of the *acquis communautaire* in the field of equality between women and men. The *Equal Opportunities for Women and Men in the European Accession Process Program* started as a joint initiative of the Open Society Foundation, Romania and the Network Women's Program of the Open Society Institute. It is oriented to problems of candidate countries for EU membership in the field of equal opportunities).
11. Drawing up and carrying out projects in the field of gender equality including training, educational and counseling programs; implementation of various

measures oriented to disadvantaged groups, excluded persons, raising adaptability to work of certain groups, etc.

12. Conducting surveys and research on the participation of women in the public and political life, analysis of the policies oriented to equality of sexes on the labor market. One sector of the activities performed by the Center for Women's Studies and Policies is the Gender Equality Monitoring Agency which conducts research on the status of women in Bulgaria and monitors development of the Bulgarian legislation on gender equality and promotion of women's participation in the economic development of the country.⁴
13. Promoting the achievement of gender equality and participation of women in the public and social life as well as in the decision-making process.

Most of the NGOs have their websites, where they publish up-to-date information on their activities, projects and recommendations. Most of the NGOs prepare analyses, reports, Annual Reports (Anumus; Women's Alliance for Development Foundation, etc.) which are available on their websites.

2.6.2 National Networks of Women's NGOs

The united efforts, coordinated work and consolidation of the NGOs can be seen in the established national networks and national forums organized by the women's NGOs.

Four national networks have been identified: (1) the National Network for Equal Opportunities, initiated by the Women's Alliance for Development in 2001,⁵ which unites 72 Bulgarian NGOs; (2) the National Network of Organizations in Support of Women Survivors of Violence in Bulgaria, which presents an informal coalition of 24 NGOs in the field of domestic violence against women, among which the Animus Association⁶ and Nadja Foundation Center are the leading organizations; (3) the Bulgarian Platform to the European Women's Lobby (2003), with the Bulgarian Gender Research Foundation⁷ being the national coordinator among the 15 organizations that have affiliated themselves with the BWL so far; and (4) the Bulgarian Gender Equality

⁴ See the website <http://www.cwsp.bg>.

⁵ For more information, see <http://www.women-bg.org>.

⁶ For more information, see <http://www.animusassociation.org>.

⁷ For more information, see <http://www.bgrf.org>.

Coalition, initiated by Gender Project for Bulgaria Foundation, which unites representatives of civil society, institutions, political parties and media.⁸

A major forum of the NGOs is the National Annual Meeting of the Bulgarian non-governmental organizations, in the field of women's issues. The meeting is a broad forum for NGOs, representatives of governmental and local authorities, experts and media, organized by the Women's Program of the Open Society Foundation from 1997 to 2003 and since 2004 – by its successor the Center for Women's Studies and Policies Foundation.

Major NGOs working in the field of gender issues are the Center for Women's Studies and Policies Foundation, the successor of the Women's Program of the Open Society Foundation, Sofia; the Women's Alliance for Development (WAD) Foundation; the Bulgarian Gender Research Foundation; the Gender Project for Bulgaria Foundation, which is the Stability Pact Gender Task Force Focal Point for Bulgaria; the Resource Center Open Door in Veliko Tarnovo; the Women's Health Initiative; the European Network of Policewomen in Bulgaria, Sofia; the Bulgarian Association of University Women, Sofia; the Women in Science Association; the Rural Women's Clubs in Bulgaria; the Bulgarian Association of Business Women's Clubs; the Human Rights "Step by Step" Association, Varna; the SOS – Families in Risk Association, Varna, etc. There are NGOs working mainly in the fields of domestic violence, violence against women, and trafficking: the Nadja Foundation Center; the Animus Association Foundation; the Center "Maria", Gorna Oryahovitsa; the Women's Association "Ekaterina Karavelova"; Demetra Association, Burgas; the Diva Foundation, Plovdiv; the Assistance Center for Torture Survivors; etc.

In Bulgaria there are two big trade unions, which have their women's organization – the "21st Century Women's Parliament" to the Confederation of Independent Trade Unions in Bulgaria, and the Women's Union to the Confederation of Labour "Podkrepa". Some NGOs are affiliated with political parties, though they have an independent status as non-political organizations. These are national membership organizations like: the Bulgarian Women's Union, the National Civic Forum "Bulgarka", the Democratic Union of Women and the Women's Solidarity Forum. There is also a political party called Party of Bulgarian Women, which has a parliamentary representation within the National Movement "Simeon II".

There is a multitude of smaller NGOs and local organizations like Rodopchanka Women's Club, Smolyan; the Women's Club, Pavlikeni; the Independent Women's Association "Self-Consciousness", Bourgas, as well as a number of women's organizations

⁸ M. Delinesheva and T. Kmetova, *Achievements of Bulgarian Non-Governmental Organizations, Addressing Women's Issues in the Last Decade* (Sofia: Center for Women's Studies and Policies, 2004), www.cwsp.bg.

associated with a specific ethnic group, such as the Armenian General Benevolent Union; the Armenian Benevolent Association H.O.M; the Romani Women Independent Organisation “Lachshi Romni”; the Bulgarian Jewish Women’s Forum; the Women’s Union with the Turkish Cultural Center 21st Century, Sofia, etc.

Women’s non-governmental organizations occupy a prominent place in Bulgarian social life and exert great influence on policies and decisions taken in the field of equal treatment and problems of women. They have established permanent and strong relationships with state authorities, public organizations, and the media. The pressure and lobbying of the non-governmental organizations, working on gender equality issues, is one of the factors changing the state policy for ensuring and guaranteeing a higher status of women in the social, economic and political life of the country.⁹

NGOs try to develop a joint strategy and unite their efforts to promote cooperation between civil organizations, the executive power and political organizations.

3. POLICIES, PROGRAMS AND AWARENESS-RAISING

3.1 Policies

3.1.1 Employment Strategy for 2004–2010¹⁰

The Employment Strategy develops the positive employment policies created in the transitional period to market economy and sets out the main objectives and priorities to be achieved in conformity with the provisions of the National Plan for Economic Development. It is a basic understanding that the Employment Strategy is a tool to achieve economic growth as outlined in the National Plan for Economic Development.

The Employment Strategy takes account of the information received from the state and the employment statistics gathered during the past decade. It shows a persistently unequal distribution of unemployment among various social-demographic groups. The group of young people, people with a high school degree or lower education, people with lower capacity to work and, in certain periods, women and people over the age of 50 are continuously affected by unemployment. Women are identified as a risk group in the labor market. The detailed analysis made in the Employment Strategy leads to the conclusion that inequality cannot be established solely on the basis of the basic indicators for participation in the workforce, for employment and unemployment.

⁹ M. Delinesheva and T. Kmetova, *ibid.*

¹⁰ Approved by the Council of Ministers on November 6, 2003.

Women represent the greater portion of the unemployed and this is explained by the fact that there are simply more women in the active work age than men. On the other hand, the lower average levels of remuneration for women are explained by the fact that they work predominantly in the traditionally low-paid industries such as textile, tailoring, education, etc. Preference to employ men in well-paid jobs is also acknowledged as a reason. Following the Strategy, more substantial difference between the two sexes is present in the coefficients of employment. Difference between genders exists also with regard to levels of income but it is comparable to similar figures in the EU countries.

The Employment Strategy identifies reintegration of discouraged persons and other social groups that are not part of the workforce as a problem of prime importance. It further emphasizes that any solution for this acute problem requires an elaboration and implementation of measures and programs making possible the reconciliation of family and work responsibilities, which shall promote the economic activity of women. The deadline set for this task in the Strategy is 2010.

The Employment Strategy pays a special attention to the need to develop policies for equal opportunities for all social groups present in the labor market and make it easily and freely accessible for them. Achievement of equality shall be pursued through two basic groups of actions:

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

The Strategy underlines that the impact of each measure on the status of the respective groups should be timely and appropriate.

3.1.1.1 General measures

General measures are outlined in several directions:

Data provision (deadline is 2007):

- providing data on the status and perspectives of the labor market with regard to gender equality;
- specifying measures for improvement of national statistics related to labor market and collection of gender disaggregated data etc.;
- specifying a group of indicators for monitoring the status and trends on the labor market-related equality of the respective groups;

- launching a program for conducting surveys together with NGOs on discrimination existing in the labor market concerning: (1) in the representation in the government and in the separate branches and sectors of the economy; (2) in the rates of employment and unemployment; and (3) in payments for equal work (payment gap).

Institutional framework (deadline is 2007):

- setting legal requirements guaranteeing prevention from discrimination with regard to employment and creation of appropriate mechanisms for promotion of equal opportunities for women and men;
- amending legislation in order to approximate it with the EU legislation related to flexible employment forms (part-time work; shared employment; flexible working hours on a weekly or monthly basis; employment for performance of a specific job).

Evaluation of the impact of a policy on the status of each sex (gender mainstreaming, deadline is 2010):

- creating a comprehensive institutional framework on gender equality, including elaboration and carrying out a national policy on gender equality;
- nominating responsible employees in all departments of the central administration;
- establishing of consultative bodies with the participation of NGOs and social partners;
- organizing training seminars in gender mainstreaming; and
- implementing temporary positive actions to assist risk groups.

3.1.1.2 Specific measures

Specific measures are based on available results from research and surveys that provide evidence on the inequality of women. The purpose of these measures is to eliminate existing discrepancies and reinforce the opportunities for women to find job. Specific measures include:

- elaborating a strategy for making possible the reconciliation of work and family life, which should include an introduction of parental leave after children up to the age of seven;
- introducing more flexible employment forms for mothers with children up to seven years old, different with regard to their children's age;
- ensuring social security for pregnant women and mothers with children up to three years old;

- creating a childrearing care system; and
- implementing measures for improving the social infrastructure for childrearing care facilities and education of children up to six years old.

The Employment Strategy lists also the institutions responsible for ensuring equal opportunities for women and men – the Council of Ministers, the Employment Agency, the National Council for Tripartite Cooperation, the National Council for Promotion of Employment, the Consultative Commission on Equal Opportunities for Women and Men, Ministry of Economy, Ministry of Education and Science, Ministry of Regional Development and Social Welfare, Employers' organizations, Employees' organizations, NGOs.

3.1.2 National Action Plan for Employment for 2004

On the basis of the guidelines and principles of the Employment Strategy, the Council of Ministers approved the National Action Plan for Employment for 2004 with Council of Ministers Decision No. 93 of February 16, 2004. It reflects not only the Employment Strategy but also the National Action Plans for 2001, 2002 and 2003. The Plan outlines the macroeconomic and social framework and perspectives for development of the labor market. It also provides for specific projects, programs and plans and specifies their objectives, target groups, resources of financing, expected results, etc.

The National Action Plan includes a report on the execution of the Plan for 2003 on the basis of the four pillars set out in the European Employment Strategy – entrepreneurship, employability, adaptability, and equal opportunities.

With regard to the fourth pillar, it is reported that the projects envisaged in the Plan for 2003 *Back to Work* and *Promotion of Independent Business Activity of Women for Rendering Child Raising Services* were launched in the fourth quarter of 2003. The project *Creation of Gender Mainstreaming Indicators for Evaluation of the Quality and Efficiency of the Measures and Programs on the Labor Market* is included in the National Action Plan for 2004 (see also Section 3.2 and Annex 3.2 below).

The 2004 National Action Plan outlines two basic aims to be achieved: (1) increasing the levels and quality of employment, and (2) increasing the employability and integration of disadvantaged groups into the labor market. The Plan for 2004 includes actions that are part of the activities of the Strategy, which are presented in specific directions in the development of the labor market including *Development of Policy for Equal Opportunities and Labor Market Free and Accessible for All Social Groups*.

The National Action Plan aims to increase the rate of employment for women and improve employment's quality as well as to promote women's economic activity in order to overcome the employment gap between women and men. Gender equality requires women and men to participate equally in the business and production sphere, in the decision making process, and in social and cultural life.

A specific aim of the European Strategy for Employment and the Strategy for the Equality of Sexes (2001–2005) is the provision for equal treatment of women and men in the labor market. In order to achieve this aim also in Bulgaria, certain general and specific measures need to be undertaken.

3.1.2.1 General Measures

The general measures of *gender mainstreaming* refer to the establishment of legislative, institutional and resource bases for guaranteeing equal opportunities for women and men. The principle of gender mainstreaming requires a national mechanism to be created and comprehensive institutional framework to be established for the equality of sexes, including also the elaboration of a national policy and specification of civil servants and employees in all respective institutions. The gender mainstreaming approach requires that any action taken on the labor market has to be evaluated with respect to its impact over women and men so that gender equality is finally achieved.

3.1.2.2 Specific Measures

Specific measures reflect the idea that certain aspects of inequality between women and men on the labor market shall be abolished through implementation of temporary positive actions. Such affirmative actions shall aim to eliminate existing discrepancies in equality of opportunities for access to the labor market, professional development, employment conditions, etc. Such measures aim to facilitate women's access to information and technologies, better and more child care opportunities.

The policy adopted with respect to the equality of women and men develops in the following directions:

- support of unemployed women in preparing them for the labor market in conformity with the development and requirements of the labor market;
- encouragement of women's entrepreneurship; and
- implementation of appropriate temporary positive actions and programs for taking certain vulnerable target groups on the labor market out of the social isolation (women over 50, young women after their maternity leave, single mothers and adopting women, low educated women, etc.).

This is the only effective national plan dealing with equality between women and men. In 1997, a National Action Plan was approved to implement the commitments made

in 1995 by the Republic of Bulgaria at the United Nations Fourth World Conference on Women in Beijing – but it was never implemented, revised or updated.

3.1.3 Educational Policies

A positive step in the development of disseminating the principle of gender equality is the education on gender studies offered by several universities in Bulgaria in their Master's and Doctor's Programs: at the Sofia University, the New Bulgarian University and the American University in Bulgaria, Blagoevgrad.

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 been undertaken yet. 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 above mentioned objective areas.

3.2 Programs

Full details about the projects and programs within the National Action Plan for Employment for 2004 are listed in the Annex to this report. The projects focus on the following issues:

3.2.1 Awareness-Raising of the Bulgarian Society towards the Problems of Gender Equality

This project is organized under the *Program for Implementing the Framework Strategy of the European Community for Equality of the Sexes*.

Activities include the training of representatives of state institutions and organizations on the establishment of structures for carrying out the policy of gender equality in conformity with European standards and the European strategy for gender equality; the implementation of positive actions in support of the reconciliation of family and work responsibilities and gender equality; and the training of representatives of NGOs working in the sphere of gender equality.

3.2.2 Reconciliation of Family and Professional Life

The objective of the project, which also involves a bilateral cooperation of the Standing Committee Bulgaria–Bavaria, is to hold public discussions for providing employers and social partners with information about the opportunities for reconciling family and professional life.

Activities include holding meetings and discussions among representatives of the state, NGOs, employers and social partners on the policy for reconciliation of family and professional life; organizing national seminars on the policy for promotion equal opportunities for women and men in the labor market (within the bilateral cooperation between the Ministry of Labor and Social Policy and Bavaria); conducting nationwide research among employers on their attitudes to the policy for reconciliation of family and professional life; providing information through the Internet sites of the MLSP, the Bulgarian Chamber of Economy, and the Bulgarian Chamber of Commerce and Industry on the policy and measures for reconciling family and professional life; and preparing and publishing booklets and other materials, including a catalog with the “best practices” of employers that have offered opportunities and conditions for reconciliation of family and professional life.

3.2.3 Incentives for Women’s Independent Business Activity in Rendering Childcare Services

Activities in this project include the motivation training for women to encourage them to start independent businesses providing childcare services and information dissemination on how licenses for carrying out the activity are obtained.

3.2.4 Back to Work

The main objective of this project is to enhance women’s employment capacity through motivation and training.

3.2.5 Creation of Gender Mainstreaming Indicators for an Evaluation of the Quality and Efficiency of the Measures and Programs in the Labor Market

The main objective of this project is to collect and disseminate information on how to access the labor market for women and men and to elaborate methods to evaluate the labor market measures and programs aiming to overcome the employment gap

between women and men. This is to be done through the determination on indicators for gender mainstreaming and the elaboration of an evaluation methodology.

3.2.6 New Professional Qualifications in the field of Information Technologies and Computer Systems

The main objective is to ensure conditions for equal access to the labor market through raising employment capacity, and to provide employment opportunities for women in the field of information technologies and computer systems.

4. RESEARCH AND STATISTICS

As the Law on Protection against Discrimination was passed recently, the collection of the related statistical data is a difficult task. Moreover, awareness of the issue is low and only limited research has been done in this field. Thus, although there are available legal mechanisms for protection against discrimination, these are not actively used and gender discrimination continues to exist.

The information and data gathered by the National Statistical Institute, the Employment Agency, and the sociological research projects show that the achievement of equal treatment for women and men encounters a lot of difficulties. It is difficult to provide an overall picture of the various aspects of the problem as all statistical data need to be gathered and processed on the basis of sex criteria and require specific gender indicators to be introduced. Cases of direct or indirect discrimination of women are often found in the areas of labor, social security and access to resources although the principle of gender equality is already part of the current Bulgarian law.¹¹

According to the statistics shown in the National Action Plan for 2004, the coefficient of economic activity in Bulgaria for the first nine months of 2003 is 61.1 percent, which is 0.4 percentage points lower in comparison to the same period in 2002. This indicator is 65.6 percent (0.1 points higher as compared to 2002) for men and 57.2 percent (a decrease by 0.8 points) for women. The differences between the economic activity of the two sexes are lower in comparison to the EU figures.

¹¹ K Stoyanova and A. Kirova, *Conceptual Frame for Equal Treatment of Women in Bulgaria* (Sofia: Center for Women's Studies and Policies, 2004), pp. 6–10.

4.1 Gender Workforce Structure

For the first nine months of 2003, the gender workforce structure shows that the relative share of men in the overall number of workforce is 52.9 percent. The lower share of women (47.1 percent) is explained by the temporary withdrawal of women from active economic activity due to pregnancy, maternity and childcare reasons as well as their earlier retirement due to earlier age for retirement provided by law.

The gender structure of the employed persons for the first nine months of 2003 is not different from the structure reported for all EU Member States: the relative share of men is greater with 52.6 percent, which is 5.2 points higher than the share of women (47.4 percent).

The gender structure of the unemployed persons for the first nine months of 2003: the relative share of women is permanently higher than that of men. The proportion of women to men is 53.9 to 46.1 (that is, to each unemployed man there are 1.17 unemployed women), as compared to 2002 when the proportion was 52.0 to 48.0 (that is, to each unemployed man there were 1.08 unemployed women).

In comparison to 2002, the data on unemployment for the first nine months of 2003 show a continuously decreasing trend in the overall number of unemployed persons and a slow decrease in the relative portion of women (with 1.3 points compared to 2002).

As a result of the active policy and progressive measures undertaken on the labor market the number of unemployed persons from the disadvantaged groups (including women) decreases. The portion of the major disadvantaged groups on the labor market is shown as follows: continually unemployed persons (53.3 percent), young persons up to the age of 29 (28.1 percent), persons over the age of 50 (24.4 percent), women (54.2 percent). In 2003, the relative portion of women in the group of continually unemployed is 54.8 percent.

According to the National Statistical Institute (NSI), the average number of economically inactive persons (outside the workforce) aged 15 or older is 3,429,700 for the first nine months of 2003. Out of them 1,476,300 are men and 1,953,500 are women.

Unemployed women (including single mothers, mothers with children up to three years old) represent 54.2 percent of all unemployed. Their number in 2003 is 16.6 percent lower than compared to 2002. In the overall number of unemployed the share of women up to 29 years old accounts to 27.9 percent (one point lower than in 2002), and share of women over 50 is 23.1 percent (3.2 points more than in 2002). Among the unemployed women, 55.0 percent have secondary school or lower education and 62.5 percent do not have profession.

The survey conducted by the National Statistical Institute for 2002 show that for the lower levels of remuneration, the number of hired women is much higher as compared to men and, on the other hand, the number of women is substantially lower as compared to men in the income bracket receiving a gross annual remuneration over 4,500 Levas. For levels above 7,500 Levas, the number of men exceeds that of women even more significantly and permanently.

The results of the survey conducted in 2002 by the National Statistical Institute on the distribution of persons employed in various categories of professions reinforce the stereotypes that certain professions are treated as male professions and others as female. In managerial positions generally receiving higher remuneration, the number of men exceeded that of women: 48,856 men to 31,591 women in 2002. Similarly, the positions of analytical specialists, applied science specialists and specialists engaged in the service sphere remain a female occupation. Thus the number of women engaged in the service sector during 2002 was 71,661 as compared 51,571 men. In the other two sectors, the number of women overruns that of men two or three times. In contrast, the number of men engaged in the classes of “qualified workers” engaged in production and “operators of equipment, machines and vehicles” exceeds twice the number of employed women.

4.2 Basic Characteristics of the Workforce in 2004

The National Statistical Institute established that the economically active population (workforce) for the first quarter of 2004 was 3,212,600 or 48.1 percent of the population in the age group of 15 or more. The economic activity of men (53.7 percent) exceeds that of women (43.0 percent) by 10.7 points (see Table 1 below).

In the first quarter of 2004, the number of employed persons in the economically active population was 2,783,800. Employed men exceeded women by 180,500 and the employment rate of men was 8.7 points higher than that of women.

1,885,900 or 67.7 percent of the total number of economically active persons work in the private sector. 1,507,400 of them are employees, 100,300 are employers, 234,900 are self-employed persons and 43,000 are unpaid family workers. 886,900 or 31.9 percent of the overall number are engaged in the public sector (for 0.4 percent of the employed persons the sector and the employment status is not determined).

Among the employed persons, 227,800 (8.2 percent) work in agriculture, 926,600 (33.3 percent) in the industrial sector, 1,627,200 (58.4 percent) in the service sector and for 2,300 (0.1 percent) no data is available.

The number of unemployed persons is 428,800 or 13.3 percent of the economically active population. Of the overall number of unemployed persons 237,800 were men and 191,000 were women. The unemployment rate for women is 12.8 percent, lower by 1.0 percentage point compared to men.

Among the unemployed, 88,500 or 20.7 percent are searching for their first job; out of them 52.7 thousands are men (59.5 percent) and 35,900 (40.5 percent) are women.

The number of economically inactive persons at the age of 15 or more years of age is 3,465,200 or 51.9 percent of the population in the corresponding age groups; 1,485,300 or 42.9 percent of them are men and 1,979,900 or 57.1 percent are women.

Table 1. Workforce and coefficients for economic activity, employment and unemployment, for the First Quarter of 2004, by residence and gender

Residence, Gender	Workforce, in thousands			Persons not included in workforce, in thousands	Economic activity rate, in percent	Employ- ment rate, in percent	Unem- ployment rate, in percent
	Total	Employed	Unem- ployed				
Total	3,212.6	2,783.8	428.8	3,465.2	48.1	41.7	13.3
Men	1,720.0	1,482.2	237.8	1,485.3	53.7	46.2	13.8
Women	1,492.6	1,301.7	191.0	1,979.9	43.0	37.5	12.8
Towns	2,456.3	2,161.8	294.5	2,196.1	52.8	46.5	12.0
Men	1,285.8	1,128.6	157.1	929.7	58.0	50.9	12.2
Women	1,170.5	1,033.1	137.4	1,266.4	48.0	42.4	11.7
Villages	756.4	622.1	134.3	1,269.0	37.3	30.7	17.8
Men	434.3	353.6	80.7	555.6	43.9	35.7	18.6
Women	322.1	268.5	53.6	713.4	31.1	25.9	16.6
Total	3,212.6	2 783.8	428.8	3,465.2	48.1	41.7	13.3

4.3 Comparison of Basic Workforce Indicators, 2003–2004

Compared to 2003, the number of economically active persons increased in the first quarter of 2004 by 8,700 and the economic activity rate increased by 0.1 percentage point. The number of economically active men increased by 18,200, whereas the number of women decreased by 9,500 (see Table 2 below).

There are 79,500 more employed persons in the first quarter of 2004 than in the same period last year; the increase of men (by 58,200) is higher than the increase of women (by 21,400). The employment rate shows an increase by 1.7 points for men and 0.6 points for women.

The number of unemployed persons decreased by 70,800, while the unemployment rate by 2.3 points. Unemployment decreased by 2.5 percentage points among men and 2.0 points among women.

Table 2. Basic indicators of economic activity for the population aged 15 and older, for the First Quarters of 2003 and 2004

Indicator	Q1 2003	Q1 2004	Change Q1 2004/Q1 2003
Workforce, in thousands	3,203.9	3,212.6	8.7
Men	1,701.8	1,720.0	18.2
Women	1,502.1	1,492.6	-9.5
Economic activity rate, in percent	48.0	48.1	0.1
Men	53.1	53.7	0.6
Women	43.2	43.0	-0.2
Employed persons, in thousands	2,704.3	2,783.8	79.5
Men	1,424.0	1,482.2	58.2
Women	1,280.3	1,301.7	21.4
Employment rate, in percent	40.5	41.7	1.2
Men	44.5	46.2	1.7
Women	36.9	37.5	0.6
Unemployed persons, in thousands	499.6	428.8	-70.8
Men	277.8	237.8	-40.0
Women	221.8	191.0	-30.8
Youths up to 24 years old	95.9	79.1	-16.8
Unemployment rate, in percent	15.6	13.3	-2.3
Men	16.3	13.8	-2.5
Women	14.8	12.8	-2.0
Youths up to 24 years old	30.8	26.8	-4.0
Share of the long-term unemployed, in percent	62.3	59.8	-2.5
Discouraged persons, in thousands	475.9	453.4	-22.5

As the statistical overview of the dynamics of unemployed segregated by gender between 1997 and 2003 has showed, the higher unemployment of women is a permanent trend.

According to *Work Stress in the Context of Transition*, a case study of education, health and public administration in Bulgaria conducted in 2002, for 14.9 percent of the female respondents psychological abuse is one of the major stress factors in the working environment whereas it is a problem only for 10.2 percent of the male respondents. According to the NSI data published in the above study, the percentage of women suffering from chronic diseases such as high blood pressure, migraine and frequent headache, continuous anxiety and depression, arthrosis and arthritis exceeds significantly the percentage figure among men.

4.4 Gender 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.

At present no monitoring is carried out and no data is available on the specific needs of working parents, gender dimension of health and safety in the workplace, as well as on family patterns.

In 2002 the NSI published its most detailed evaluation of the equality and equal opportunity between women and men so far: the report titled *Women and Men in the Republic of Bulgaria*, which is based on statistical data from both the field of demographic and social development, and the field of employment and unemployment.¹²

¹² M. Delinesheva and T. Kmetova, *Overview of Gender Equality Issues in Bulgaria* (Sofia: Center for Women's Studies and Policies, 2004), www.cwsp.bg.

5. KEY AREAS OF CONCERN AND RECOMMENDATIONS

Some weak points in the anti-discrimination legislation and the actions for its implementation can be pointed out and respectively recommendations for improvement can be made.

5.1 Key Concerns

5.1.1 National Strategy on Equal Opportunities for Women and Men

Although significant progress has been made for creating and ensuring equal opportunities for women and men, there is still no separate national strategy dealing with equality between women and men. This puts all elements of the equal opportunities mechanism in a negative perspective. It leads to lack of coordination of the state authorities dealing with gender issues, lack of clear understanding on the distribution of the functions among them and delay in the establishment of the institutions provided for in the legislation. The lack of separate national strategy and plan on the equality between women and men results in lack of specific detailed list of the needed adequate legislative acts to be adopted. Therefore, presently, the necessary laws are adopted sporadically.

The lack of separate national strategy is a reason also for the fact that still there is no gender-disaggregated statistics available in Bulgaria. Gender indicators should be prepared so that the National Statistical Institute can collect and process statistical data segregated by gender.

5.1.2 Legislation

The LPD is a general law and regulates protection against discrimination on all grounds. Therefore, a separate law is needed, which shall take into account the specifics of the gender discrimination and the problems of equal treatment for women and men.

The report focused primarily on the progress of Bulgarian legislation in the field of equal treatment. Anyway, some weak points can be outlined: regulations are inconsistent and inconsecutive in using certain terminology, which requires adoption and unified utilization of terms. An anti-discrimination legal regulation, which is internally consistent and coordinated shall allow for unified, lawful and socially acceptable administrative and court practice. Some provisions are not clear and give grounds for disputes and different interpretations.

Amendments of the presently existing texts in order to have a comprehensive and effective legal protection against all forms of discrimination should be considered. Such amendments can be in the aspect of explicitly prohibiting discrimination by one employee to another; legal obligation for trade unions to inform and consult employees for their rights and obligations arising out of the LPD and mechanisms for protection against discrimination and right to refuse or terminate the performance of a prescription when it is or becomes obvious that its performance is discriminatory or may lead to discrimination.

It was until quite recently that the problems related to discrimination and gender equality were disregarded and overlooked. Anyway, the first steps in the implementation of the anti-discrimination legislation are already made. The media reported that the first court case on discrimination was decided by the Sofia District court in favor of the plaintiff. The case referred to discrimination on the basis of ethnic origin and material sanction in the amount of 600 Levas was imposed on the defendant. The media have also revealed that 20 discrimination cases were brought to court, but no information is available on the discrimination ground of the cases. Media reports have also stated that the official complaint for sexual harassment was submitted by employees of the State Sanitary Control Department of the Hygiene Epidemiologic Inspectorate Plovdiv to the Head of the Inspectorate. It becomes clear from the statements of the plaintiffs, the defendant and the employer published in the article that none of the parties were aware that the burden of proof in this case should be borne by the defendant.

5.1.3 Institutional Mechanisms

The effective measures for combating gender discrimination and ensuring equality for women and men in fact require that all mechanisms provided in the legislation are put in action and all institutions are established. It was mentioned many times in this report that the legal framework needed is already adopted and entered in force but its implementation lags far behind. A possible explanation for the fact that the institutions have not been established yet is that the Budget for 2004 does not provide the funds needed.

In order to achieve equality between women and men, it is necessary that specialized bodies, institutions and commissions are established to focus on gender issues. In this respect, it is recommended that:

- a special sub-committee on the equal treatment for women and men is created within the Human Rights and Religious Affairs Committee of the National Assembly;

- a national council for the encouragement and recognition of equality between women and men is established to the Council of Ministers;
- an expert in gender issues should be appointed within each ministry;
- an expert in gender issues is appointed in each municipality.

The powers and authorities of the institutions presently existing are relatively limited and are consultative rather than controlling. A conclusion is to be made that a specific state body is needed for preparation and development of policies, measures and mechanisms for encouragement of the equality between women and men as well as for control over their implementation by all national and local authorities, employers, unions and NGOs.¹³

The Sector on Equal Opportunities for Women and Men at the Ministry of Labor and Social Policy should focus primarily on the issues related to equal opportunities and should not deal with other non-gender issues, as it does presently. In our opinion, it is recommended that the Sector makes public announcements of its work and activities.

5.2 Recommendations

5.2.1 Legislative Measures

- In addition to the Law on Protection against Discrimination, 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.

5.2.2 Institutional Mechanisms

- A separate national strategy dealing with equality between women and men should be developed. This strategy should address the coordinating work of state authorities dealing with gender issues; regulate the way functions are distributed, laws are adopted and relevant institutions are established, as well as their funding is secured.

¹³ K. Stoyanova and A. Kirova, *Conceptual Frame for Equal Treatment of Women in Bulgaria* (Sofia: Center for Women's Studies and Policies, 2004).

- 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 in gender issues should be appointed within each ministry.
- An expert in 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.

5.2.3 Policies and Programs

- Necessary funds should be ensured to guarantee the establishment of the required institutions.

5.2.4 Research and Statistics

- Gender indicators should be prepared so that the National Statistical Institute can collect and process statistical data to monitor gender equality.
- Information should be made available about cases of discrimination that are taken to court.

REFERENCES

List of Relevant Legal Instruments

Law on Protection against Discrimination

Law on Protecting Classified Information

Law on the Administrative Proceedings

Law on the Supreme Administrative Court

Constitutional Court Decision No. 14 of November 10, 1992

Council of Ministers' Decree No. 155 of July 31, 2000, on Amending the Rules of Procedure of the Ministry of Labor and Social Policy.

Council of Ministers' Decree No. 171 of August 2, 2002 on Establishing a Coordination Council on the National Plan for Economic Development.

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ANNEXES

Annex 1. Further Legal Instruments

1.6 Law on Countering Trafficking in Human Beings

A further step forward in the anti-discrimination legislation was made with the adoption of the *Law on Countering Trafficking in Human Beings*, which entered into force in January 2004. Trafficking in human beings has been a criminal offence under the Bulgarian Penal Code since 2002. The Law on Countering Trafficking in Human Beings 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 the victims of human trafficking. The law introduces measures for prevention of trafficking as well as measures for protection and assistance of the victims of trafficking. It also provides for a special protection for the victims who collaborate with the investigative bodies. The law acknowledges and encourages the strong involvement of the NGOs in combating trafficking in human beings and achieving the aims envisaged in it, including developing the national policy in that area. Pursuant to the law, a National Commission for Combating Trafficking in Human Beings shall be established at the Council of Ministers. The Commission shall have its local commissions with the municipalities. The Law gives legal definition for the concepts of 'trafficking in human beings', 'risk group', etc. According to the law, a 'risk group' is a group of persons who – because of their age, gender, social status or region where they live – are potential victims of trafficking.

1.7 Bill on the Protection against Domestic Violence

On June 30, 2004, the *Bill on the Protection against Domestic Violence* was adopted at its first reading by the National Assembly. The draft law is envisaged to regulate the relations related to domestic violence and to provide protective measures. It gives legal definition of the term 'domestic violence'. Article 6 of the Bill states that the State is "obliged to create conditions" for the implementation of programs for preventing domestic violence and programs providing assistance to victims of domestic violence. Court protection against domestic violence includes measures to be imposed by District courts through administrative acts, called orders for protection, which may force the offender to restrain from domestic violence, get the offender out of the home, prohibit the offender to get close to the house, the place of work, etc. of the victim, advise programs to be followed for the recovery of victims, oblige the offender to follow specialized programs, and impose fines in amounts from 200 to 1000 Levas.

It is emphasized that there is a pressing need for such legislation because domestic violence exists in Bulgaria. The negative consequences of the changes since 1989 – such as existential uncertainty, economic problems, and the crisis of values – often result in various forms of violence against the “weaker” members of the family: women and children. Research and surveys show the growth of violence against children, women and handicapped persons. Following a research of the National Center for Research of the Public Opinion held in March 2003, 44 percent of the population know children who have witnessed family quarrels; 40 percent know women who have suffered from the violent acts of their husbands or partners, 38 percent know children who have been victims of violence by other children.

The second reason cited for supporting the adoption of such law is the need to harmonize our legislation to the EU legal framework. The existing Bulgarian legislation does not provide means and instruments for effective and quick protection against domestic violence. The Bill aims to institutionalize protection against domestic violence, to provide a number of measures for protection against it and rehabilitation and make them easily accessible and affordable. Bulgaria needs to harmonize its legislation with the EU where the elimination of domestic violence is one of the aspects of the equal treatment policy. In many of the EU member countries special laws have been adopted on protection against domestic violence.

1.8 Instruments for Protection against Discrimination

The proclamation of certain rights in international acts and the internal legislation requires effective mechanisms to be created for the performance of these rights in fact and for their effective protection. Such mechanisms shall be considered and briefly discussed below.

Along with the objective to ensure equal treatment for women and men in all spheres of social life, it is noted that there are certain activities and occupations where the requirements made as to the gender of the persons carrying out the activity are specific professional requirements. Thus, the Law on Protection against Discrimination (LPD) states that no discrimination shall be deemed present in case of unequal treatment on the basis of gender where the gender requirement constitutes a genuine and determining professional requirement, the objective is lawful and the requirement does not exceed what is necessary for achieving the objective.

In order to achieve better protection against discrimination it is of utmost importance that the notion of what constitutes discrimination is absolutely clear and undisputed. With a view to eliminate potential doubts and disputes, Article 7(2) of the LPD obliged the Minister of Labor and Social Policy, in cooperation with the Minister of

Interior, to draw up a list of jobs and occupations for which belonging to a certain sex is a fundamental and decisive professional requirement under the definition provided by Article 7(1)(2) of the LPD. Such obligation also exists for the Ministry of Defense, which is to determine a list of activities and positions at the regular military service with the Armed Forces, in which belonging to a certain sex is a fundamental and decisive professional requirement. The above stated representatives of the executive power are further responsible to review and update the list in conformity with the changes in the working conditions at least once in every three years. Preventive measures are outlined through depriving employers of the possibility to place freely gender requirements and evaluate them as genuine and determining professional requirements.

The LPD provided an instrument for protection against discrimination, which refers to the conclusion of labor contracts. Pursuant to Article 12 of the LPD, before conclusion of a labor contract the employer is not entitled to request from the candidate information on any of the characteristics qualified in LPD as discriminatory. Thus employers are deprived from any possibility to form an opinion and base their decision on the lack or presence of a discriminatory ground.

Another instrument for protection against discrimination, which also refers to the conclusion of labor contracts, is provided in Article 12(3) of the LPD following which the employer may not refuse to employ a candidate on the grounds of pregnancy, maternity or raising children. Although the text of the provision does not specify the sex of the person to whom it refers, it can be inferred that the first two stated grounds apply solely to women whereas the third ground may apply both to women and men. Such legal prohibition was necessary having in mind that in practice employers restrain and refuse to employ women especially in reproductive age because they are considered to be less productive and efficient at work due to the fact that they are deeply involved in family problems, raising children, house work, etc.

Article 12(4) of the LPD states that the employer does not have the right to refuse to employ, or to employ under less favorable conditions persons on the grounds qualified by the Law as discriminatory, including sex. The provision encompasses two groups of cases – one prohibits the employer to refuse employment and the other to employ under less favorable conditions. Due to the high rates of unemployment in Bulgaria, it happens frequently in the employer's practice that they impose less favorable conditions.

Pursuant to Article 18 of the LPD, the employer, in cooperation with the trade unions, must take efficient measures to prevent any form of discrimination at the workplace. Article 19 settles a specific liability of the employer for acts of discrimination done at the workplace by a worker or an employee, employed by it, in case of failure to fulfill the obligation under Article 18.

Burden of Proof

Directive 97/80/EC was transposed in the Bulgarian legislation through Article 9 of the LPD. Pursuant to Article 9 of the LPD in the process for protection against discrimination when the party claiming to be subject of discrimination provides evidence for facts and circumstances on the basis of which a conclusion can be made that discrimination has been done, it is the defendant party to prove that there was no infringement of the right of equal treatment. The provision of Article 9 brings a novelty to the Bulgarian civil procedure law as it shifts the burden of proof in favor of the discriminated person and transfers it to the defending party in the process before the Commission for Protection against Discrimination or the courts. This new mechanism shifting the burden of proof is a challenge to the Bulgarian legal theory and practice as it introduces an understanding contrary to basic underlying principles of Bulgarian civil procedural law.

Right to Information as an Instrument for Protection against Discrimination

Whereas Bulgarian society is presently starting to identify cases of discrimination and is just becoming aware of the instruments available for protection against it, information is a powerful tool in combating discrimination and important means in the awareness raising process. It is in this respect that Articles 22 and 23 of the LPD give information its due. Although they refer only to labor relations, they should be interpreted as a basic provision and statement of a general principle applicable in all social spheres. The LPD emphasized labor relations as the majority of discriminative practices occur in this sphere.

Under Article 22 of the LPD employers must display the text of Law in an easily accessible place for the employees in the enterprise as well as all internal labor rules provisions and the clauses from the collective labor agreement, related to the protection against discrimination. This obligation arises once the status of employer is acquired, which under Bulgarian law (Article (1)(1) of the Additional Provisions to the Labor Code) occurs upon employment of persons under labor contracts. As formulated in the reading of Article 22, the employers' obligation is performed only once. Anyway, it can further be pointed out that although not stated explicitly in the Law, employers are obliged to display also all subsequent amendments and supplementations of the respective documents related to discrimination issues once such changes in the documents occur.

Another aspect of the right to information is settled in Article 23 of the LPD. It presents an obligation on the employer to provide information to the person who claims that its rights have been violated on the basis of some discrimination. This obligation arises upon request. It is not a general obligation as the request for information should be based on a specific case in relation to which the person

(employee) claims its rights have been violated. The request of the employee is not simply a demand for information but it is also a statement that certain acts have been made and allegation that these acts are discriminatory to the employee. The request brought to the employer obligates the latter to provide information. Unfortunately, no term within which the information should be furnished is fixed by the LPD. But the LPD specifies the scope of information which the employer should provide. Article 23(2) of the LPD states that such information must contain the justification of the decision made by the employer, as well as some other relevant data. The employer should justify its decision, which means that it should provide an explanation and state grounds for its behavior.

Although the LPD was promulgated in September 2003 and entered into force on January 1, 2004, according to a research titled *Bulgarian Employers and Women in Labor* conducted in March 2004 by the Center for Women's Studies and Policies, the employers not only did not announce the text of the law within the enterprise, but they are not even aware of its existence. Employers also claim that they would try to circumvent the law regardless of the sanctions it provides for.

1.9 Administrative Measures for Protection against Discrimination

The administrative measures refer to the various powers and authorities vested in the Commission for Protection against Discrimination, which among other things include power to detect and inspect for violations of LPD and other laws related to discrimination and equal treatment; to rule on prevention and termination of the violations done as well as to restore the initial situation (*status quo*); to impose sanctions and to enforce administrative compulsory measures; to give obligatory prescriptions for compliance with the laws that regulate equal treatment; to provide independent assistance to the victims of discrimination in filing complaints against discrimination; to appeal against administrative acts, which are in contravention to the laws that regulate the equal treatment; to initiate claims before the court and act as a concerned party in proceedings under laws that regulate equal treatment, etc.

There are generally two proceedings possible in the process of protection against discrimination: first, the proceedings before the Commission for Protection against Discrimination, that is, the administrative proceedings and second, the court proceedings. We shall start with describing the specifics of the administrative proceedings.

Proceedings before the Commission may commence upon complaint by the affected person or signals from natural or legal persons, state and municipal bodies. It is also possible that the proceedings start on initiative of the Commission itself. The LPD states certain requirements, which the complaint or the signal must meet, i.e. they

should be made in writing, contain the name of the person submitting the complaint or the signal, specify what is requested from the Commission, etc. Anonymous complaints or notifications are not considered by the Commission. It is important to note that no proceedings before the Commission shall commence and those already commenced shall be terminated, in case three years have passed since the date of the violation. In case proceedings in court have been initiated on the same case, the Commission shall not commence proceedings before it or shall respectively terminate the proceedings already commenced. No state fees are collected for the proceedings before the Commission and all expenses done during the proceedings are covered by the budget of the Commission. This is of great importance for ensuring easy access to the administrative proceeding, which shall provide string incentive and shall encourage victims of discrimination to seek protection before the Commission.

After commencement, the case is assigned to a certain panel, which appoints a Chair among its members. The Chair conducts the investigation and is responsible for the collection of written evidence, needed for the complete and comprehensive clarification of the respective circumstances. All persons, state and municipal bodies are obliged to assist the Commission in the process of the investigation and to provide information and documents as requested as well as to give necessary explanations. They may not invoke commercial, industrial or other secret, protected by the law as a reason to refuse assistance. In case there are reasons for access to classified information, it shall be provided in accordance with the Law on Protecting Classified Information. In exercising its powers, the Commission is also entitled to examine witnesses. In case of refusal to provide information required by the Commission or a refusal to provide access to premises as well as other cases of not providing assistance to the Commission, the guilty person is responsible under the LPD and is subject to sanctions. The powers of the Commission are quite strong and additional mechanisms are provided for their effective execution in fact. Thus in case of the danger of any evidence being lost or hidden or in case of extremely complicated collection of evidence, upon complainant's request, the evidence may be collected through certain measures for compulsive collection over the persons or the premises. Such compulsory collection of evidence can be conducted only upon permission from the Sofia City Court judge upon request from the Chair of the Commission. In this case the Chair of the panel shall collect evidence with the cooperation and assistance of the Ministry of Interior. All documents and information collected is to be used solely for the purposes of the investigation.

The LPD provides a 30-day period within which the investigation should be carried out. Where the case presents some factual or legal complexity, the investigation period may be prolonged by up to 30 additional days. After completion of the investigation, the parties are given opportunity to get acquainted with the materials collected during the investigation. The Chair prepares a conclusion and open hearings are called within seven days. At the first session the Chair of the panel invites the parties to achieve a

settlement. In case of agreement, expressed by the parties, the Chair calls a settlement proceedings session. In case during the settlement session an agreement is reached between the parties on the basis of equal treatment, the Commission shall approve it with a decision and shall terminate further proceedings. The settlement approved by the Commission is subject to enforcement and the Commission controls its execution.

In case no agreement is reached, the Chair of the panel shall provide the parties an opportunity to present their opinion. After the factual and legal clarification of the case, the session shall be closed and the decision shall be pronounced within not later than 14 days after the date of the last session. The decisions are taken with a simple majority by the members of session panel. A member of the panel who dissents with the decision of the majority signs the decision with a special opinion, which he or she should substantiate.

Through the decision the panel shall ascertain the committed violation; ascertain the offender and the affected person; determine the kind and the amount of the sanction; and enforce coercive administrative measures or ascertain that no violation of the law has been committed and leave the claim without consideration.

With regard to the coercive administrative measures imposed, it is the Commission that exerts control over their execution. The person to whom the coercive administrative measure is imposed is obliged to take measures to implement the obligatory prescriptions and to report therefore to the Commission within a term specified in the decision, which may not be longer than one month. In case the measures prescribed have not been implemented, the Commission shall send a report with proposals for relevant measures to the respective state and municipal authorities.

Decisions of the Commission are subject to appeal before the Supreme Administrative Court. Decisions shall enter into force upon the occurrence of one of the following: the decision was not appealed; the appeal submitted has not been taken into consideration; the decision was upheld.

Coercive Administrative Measures

For prevention from and termination of the violations of the LPD in relation to equal treatment, as well as for removal of the harmful consequences of such violations, the Commission, on its own initiative or after a proposal of trade unions, natural or legal persons may apply the coercive administrative measures by means of giving obligatory prescriptions to employers and officials to terminate violations of the legislation for prevention from discrimination and eliminate their negative impact or to stop the execution of illegal decisions or orders of employers or officials, which lead or may lead to discrimination.

The Commission's decisions for applying coercive administrative measures may be appealed before the Supreme Administrative Court in ways regulated by the Law on the Supreme Administrative Court. It is important to note that the appeal does not stop the execution of the compulsory administrative measure unless the Court orders otherwise.

Coercive administrative measures are a form of administrative duress and compulsion in case the prescriptions and provisions of law are not observed voluntarily. In case the coercive administrative measures are not implemented and the prescriptions given are not observed, this shall constitute an administrative offence itself and shall be subject to administrative penal sanctions.

Administrative Penal Sanctions

The LPD provides as a form of administrative duress not only coercive administrative measures but also administrative penal sanctions. Sanctions are applicable when discriminative acts are committed or obligations arising out of the LPD are not performed. The permission to commit a violation under the LPD is also regarded as an administrative violation and is therefore subject to administrative penal sanctions.

Another group of grounds for administrative penal sanctions are cases when the provisions of a Commission or court decision are not implemented. Violations are ascertained through acts issued by members of the Commission determined by the Chair of the Commission. Punishments are imposed through a decision of the Commission for Protection against Discrimination, which may be appealed under the Law on the Supreme Administrative Court. Again the appeal does stop the implementation of the appealed decision.

The administrative penal sanctions imposed are fines for natural persons and material sanctions for legal persons. Their amount as fixed by law varies between 200 and 2,500 new Bulgarian Levas (approximately 100 and 1,250 Euros). The relatively high amount of sanctions is a good prevention tool to stop offenders from committing discrimination acts.

1.10 Court Proceedings as Instruments for Protection against Discrimination

Besides the administrative proceedings, the victims of discrimination have at their disposal a separate tool for protection of their rights and interests related to violations of equal treatment provisions. This possibility given by the LPD is the claim to be brought before the Regional Court and to demand the respective claimed violation to be ascertained; the defendant to be sentenced to terminate the violation; to restore the

status quo as it was before the violation and to restrain in future from further violations; or to demand compensations for damages suffered.

In order to facilitate and assist victims of discrimination in the protection of their rights against discrimination it is possible that trade unions and non-for-profit organizations carrying out activities beneficial to the public, upon request of the persons whose rights have been violated, file a claim before court on behalf of the affected persons.

Furthermore, in those discrimination cases when the rights of many people are violated, trade unions and non-for-profit organizations may file a claim independently on their own. The persons whose rights are violated may enter the legal action as assisting parties.

In order to make protection against discrimination more effective and in order to bring instruments for protection closer to affected persons the LPD provided that persons who have filed a claim before court may within one month period from filing the claim, communicate this fact to the public by means of publications or otherwise upon their discretion through sending an invitation to other affected persons, trade unions and non-for-profit organizations carrying out activities beneficial to the public to step into the proceedings. Such persons may step into the proceedings no later than the completion of the oral competitions.

In case discrimination appears to be carried out through administrative acts being issued in contradiction with the anti-discrimination provisions of the LPD or other acts, affected persons may appeal such acts before the court following the provisions of the Law on the Administrative Proceedings, or respectively the Law on the Supreme Administrative Court.

Another type of court proceedings as an instrument in combating discrimination is the one related to claims for compensation of damages suffered as a result of discrimination. Persons who have been a party to the administrative proceedings before the Commission for Protection against Discrimination and who have suffered damages out of violation of their equal treatment rights may file a claim for compensation against the persons and/or the bodies who have caused the damages. In case the damages have been caused by illegal acts, actions or lack of actions of state bodies and officials, the claim shall be filed following the provisions of the special Law on the Responsibility of the State for Damages Caused to Citizens.

No state fees shall be collected for court proceedings under this Law and the expenses shall be covered by the budget of the Court.

Labor-Related Court Procedures

Pursuant to Article 357 of the Labor Code, “Labor disputes are the disputes between the employer and the employee in relation to the rise, existence, performance and termination of the labor relation as well disputes on the execution of the Collective Labor Agreement and establishment of the length of service”. Any act of discrimination related to the rise, existence, performance and termination of the labor relation may be subject to a court dispute under Chapter XVIII of the Labor Code. Pursuant to Article 358 of the Labor Code, the prescription period for bringing the claim before the District Court is two months provided that the act of discrimination is done at the time of termination of the labor relation. In all other cases the prescription is three years. Employees are exempt from all charges and fees in the labor court proceeding, which makes this means of protection easily affordable for them. Unfortunately, at present this means of protection exist only in theory as gender discrimination awareness is still too low.

1.11 Affirmative Action

Before adoption of the LPD, the notion of affirmative action was not known by Bulgarian law and there were no cases of such actions in the field of equality between women and men.

In order to ensure effective protection in practice against discrimination on the grounds of sex, legislative measures need to be adopted to speed up the process of achieving equality of the rights and opportunities for women and men. Such affirmative action is allowed with regard to the groups that have traditionally been subject to discrimination. Affirmative action aims to ensure *de facto* gender equality. Measures that could be characterized as positive actions are provided for in international acts and conventions, ratified by Bulgaria and promulgated in the *State Gazette*, thus have become part of Bulgarian national law.

It is the LPD that brings forth the concept of positive action and its objective to ensure full equality in practice and prevention from discrimination on the grounds of gender. Positive actions with regard to gender discrimination are provided for in Article 24 of the LPD. This provision reflects two possible areas of discrimination and obligates employers to take affirmative actions in order to guarantee equal opportunities for both women and men first when with regard to recruitment and second to professional development and participation of the employees belonging to the under-represented sex.

The proper interpretation and correct understanding of the affirmative actions is of great importance. The concept of special protection for women is not in fact enough for the achievement of equal treatment for women and men. The common and widely shared

understanding of equal treatment for women and men, which rests at present solely on the basis of the special measures for women mainly for protection of their reproductive and maternity functions, is misleading. It diverts the proper understanding of the real concept for equal treatment of the sexes and impedes the implementation of affirmative action. The special treatment and protection of women as set out in the Constitution and Labor Code regulations is taken for equal treatment and thus a wrongful stereotype for the role of women and men is further reinforced. The LPD makes a distinction between *special protection* and *affirmative action* and obviously lays the ground for proper understanding of the equal treatment of women and men.

The Constitution of Bulgaria provides grounds for the adoption of the affirmative action mechanism. This has been confirmed by the Constitutional Court in its decisions upon interpretation of Article 6 of the Constitution saying all citizens are born equal in rights and are equal before the law. In its Decision No. 14 of November 10, 1992, upon request of the President of the Republic, the Constitutional Court gave an official interpretation of Article 6 of the Constitution in which it stated that Article 6 proclaims equality of the citizens before the law, but at the same time “on the basis of some cases explicitly stated in the Constitution a conclusion can be drawn that the Constitution allows for restrictions of rights and the granting of privileges to certain social groups. It should be underlined that in these cases the restriction of the rights and the granting of privileges to certain groups of citizen is a public necessity without affecting the priority of the principle for equality before the law. The explicit and exhaustive specification of the social characteristics on the basis of which restriction of rights and granting of privileges is not allowed is a guarantee against the unjustified extension of the grounds for restrictions and privileges.”

The affirmative action mechanism is a manifestation of a specific aspect of the contemporary state, which is not only legal and democratic but is also proclaimed to be a social one. This mechanism is novel in Bulgarian law and was introduced by the LPD. The principle of the affirmative action as introduced in the LPD is one of the legal instruments for achievement of equal opportunities for women and men in the sphere of labor relations, which shall help in introducing such measures in other spheres of the public life as well. It should be noted that affirmative actions may be implemented not only with regard to women but to men as well, i.e. in relation to parental leave. Article 24 of the LPD regulates two cases of affirmative action, which refer to the initial employment and vocation development of persons/employees belonging to the under-represented sex or ethnic group. The purpose of this provision is to ensure the creation of diversified workforce, containing employees of both sexes. This principle is also states in Article 38 of the LPD following which state and municipal bodies shall conduct a policy to encourage the balanced participation of women and men. Thus, employers have to prepare, maintain and update assessment of the quantity of women and men employed. This assessment shall be used in the process

of employing new staff and afterwards in the course of the labor relation so that the employer performs its obligations set out in the law for keeping good balance and proportion of both sexes in the enterprise. It should be mentioned that when employing new staff, provided there is a candidate belonging to the under-represented sex or ethnic group, the employer should encourage that person to apply for the respective job or position if this is necessary to achieve the objectives of the LPD. Pursuant to the provision of Article 24 of the LPD, an employer should work out an assessment of how each sex is represented within the enterprise and what measures should be taken for achieving the goals of the law. Once a candidate who belongs to the under-represented sex applies for a specific position, the employer should take action to encourage that person and eliminate the possible obstacles.

In conclusion it is worth saying that remarkable progress has been made in the Bulgarian anti-discrimination legislation though the introduction of the affirmative action measures in Article 24 of the LPD.

Annex 3.2 Projects within the National Action Plan for Employment for 2004

Programs and projects for equality between women and men as provided in the National Action Plan for Employment for 2004 are as follows:

1. Awareness-Raising of the Bulgarian Society towards the Problems of Gender Equality

(Project under the Program for Implementing the Framework Strategy of the European Community for the Equality of the Sexes)

Main Objective

Awareness-raising of basic participants in the decision-making process at the national and local level (including social partners and representatives of the NGO sector) about European legal standards and their impact on national legislation and social practice with respect to gender equality, so that equality between women and men could be achieved in all spheres of social life.

Target Group

- Representatives of state institutions and organizations; social partners and representatives of NGOs working in the field of gender equality.

Activities Performed

- Training representatives of state institutions and organizations on:
 - establishing structures for carrying out the policy of gender equality in conformity with the European standards and the European strategy for gender equality;
 - implementing positive actions for ensuring equality of sexes as a means for reconciliation of family and labor responsibilities possible altogether;
- Training representatives of the NGOs working in the sphere of gender equality.

Expected Results

- Training of eighty-five persons;
- Initiating the creation of “focal points” in state institutions and organizations responsible for the practical implementation of the principle of equal treatment for women and men in all spheres of the public life;
- Encouraging and assisting the social partners and the NGO sector in the course of practical implementation of the principle of equal treatment for women and men.

Funds Needed

- 47,100 Levas (BGN, or new Levas): 7,983 Levas from the budget of the Ministry of Labor and Social Policy and 39,117 Levas from the European Commission.

Sources of Financing

- State Budget, European Commission

Responsible Institutions

- Ministry of Labor and Social Policy

Partners

- European Commission, state institutions and social partners, NGOs, Consultative Commission for equal opportunities for women and men.

2. Reconciliation of Family and Professional Life

(Includes also bilateral cooperation through the Standing Committee Bulgaria–Bavaria)

Main Objective

- Holding public discussions for providing employers and social partners with information on the opportunities for reconciliation of family and professional life.

Target Group

- Representatives of national employers' and employees' organizations, employers, representatives of the state authorities.

Activities Performed

- Holding meetings and discussions among representatives of the state, NGOs, employers, and social partners on developing policies for reconciling family and professional life;
- promoting and maintaining employment relations in a way to reconcile family and professional responsibilities;
- assessing the impact of the measures for reconciliation of family and professional life over the business results of the enterprise;
- assessing the social, psychological and economic impacts on the beneficiaries;
- organizing national seminars on the policy to promote equal opportunities for women and men on the labor market (within the framework of a bilateral cooperation between the Ministry of Labor and Social Policy and Bavaria);
- conducting nationwide research among employers to survey their attitudes towards the policy for reconciliation of family and professional life;
- providing regular information through the Internet sites of the MLSP, the Bulgarian Chamber of Economy and the Bulgarian Chamber of Commerce and Industry on the policy and measures for reconciling family and professional life; and
- preparing and publishing booklets and other materials, including a catalog listing the “best practices” of the employers that have offered opportunities and conditions for reconciliation of family and professional life.

Expected Results

- Disseminating information to the wider society on the policies for reconciling family and professional life;

- drafting guidelines on promoting employment through the reconciliation of family and professional life.

Funds Needed

- 45,000 Levas.

Sources of Financing

- State budget.

Responsible Institutions

- Ministry of Labor and Social Policy.

Partners

- National organizations of employers, NGOs, the Consultative Commission on Equal Opportunities for Women and Men, the Institute of Bavaria for Women and the Family.

3. Incentives for Women's Independent Business Activity in Rendering Childcare Services

Main Objective

- Incentives for women to engage in entrepreneurial activities.

Target Group

- Unemployed women with specific professional status.

Activities Performed

- Motivation training for women to encourage them to start independent businesses providing childcare services; information dissemination on how licenses for carrying out the activity are obtained.
- The state budget provides subsidies for the professional qualification training of unemployed and employed women and scholarships to cover the accommodation and transportation expenses of the unemployed persons who participate in the project.

Expected Results

- Training of 300 unemployed women.

Funds Needed

- 271,464 Levas.

Sources of Financing

- State budget

Responsible Institutions

- Ministry of Labor and Social Policy (Agency of Employment, AE); Agency for Social Assistance (ASA).

Partners

- Agency for Small and Average Enterprises; Ministry of Education and Science; Ministry of Health, Centers for professional training; and NGOs.

4. Back to Work

Main Objective

- Enhancing women's employment capacity.

Target Group

- Unemployed women, registered in the Labor Bureaus; among the participants priority is given to women over 50 years old, employed women up to two years after their pregnancy, adoption and maternity leave and for women raising children up to two or three years old.

Activities Performed

- Motivation and training.
- The state budget provides subsidies for the professional qualification training of unemployed and employed women and for scholarships to cover the accommodation and transportation expenses of the unemployed persons who participate in the project.

Expected Results

- Training of 200 unemployed women.

Funds Needed

- 158,530 Levas.

Sources of Financing

- State Budget.

Responsible Institutions

- Ministry of Labor and Social Policy (Agency of Employment, AE).

Partners

- Centers for professional training.

5. Creation of Gender Mainstreaming Indicators for an Evaluation of the Quality and Efficiency of Labor Market Measures and Programs

Main Objective

- Collection and dissemination of information on how to access the labor market for women and men and elaboration of methods to evaluate the labor market measures and programs aiming to overcome the employment gap between women and men.

Activities Performed

- Determination of indicators for gender mainstreaming, elaboration of an evaluation methodology.

Expected Results

- Preparation of a monitoring system for assessing the standards of equality between women and men in the labor market.
- Widespread knowledge on the ways to access the labor market for women and men and comprehensive information on the characteristics of employment among women and men.

Funds Needed

- 100,000 Levas.

Sources of Financing

- State budget.

Responsible Institutions

- Ministry of Labor and Social Policy (Agency of Employment, AE).

Partners

- National Statistical Institute, National Social Security Institute, Delegation of the EU in Bulgaria, European Commission, International Labour Organization, Consultative Commission on the Equal Opportunities for Women and Men.

6. New Professional Qualifications in the Field of Information Technologies and Computer Systems

Main Objective

- To ensure conditions for equal access to the labor market through raising employment capacity. Employment possibilities for women in the field of information technologies and computer systems.

Target Group

- Unemployed women at the age between 22 and 45 having at least high school level education in the information technologies and computer systems. An additional requirement for the participants is medium level proficiency in English.
- Possible beneficiaries are: participants in training courses in the field of information technologies and computer systems.

Activities Performed

- Elaborating programs and modules under Cisco Systems technology;
- training 140 women from seven towns in the country: Petrich, Sliven, Pleven, Vidin, Karlovo/Sopot, Vratza, Pazardjik;
- providing funds from the state budget for scholarships to cover accommodation and transportation expenses of the unemployed persons who participate in the project.

Expected Results

- Training of 140 unemployed women;
- Enhancing professional career chances in the field of computer technologies;
- Obtaining the internationally acknowledged Cisco Systems certificate for passing the course successfully.

Funds Needed

- State Budget: 34,650 Levas; Bulgarian Chamber of Economy: 21,200 Levas.

Sources of Financing

- State Budget, Bulgarian Chamber of Economy (BCE).

Responsible Institutions

- Ministry of Labor and Social Policy (Agency of Employment, AE); Bulgarian Chamber of Economy.

Partners

- Regional Cisco Academy of the Bulgarian Chamber of Economy.

Equal Opportunities for
Women and Men:
Monitoring law and practice in new member states
and accession countries
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WHAT IS THE SITUATION IN BULGARIA?

Since 2002 a number of important changes have been made to Bulgarian legislation and new pieces of legislation have been adopted in order to further transpose the *acquis communautaire* in the field of equal treatment for women and men. There has been significant progress on gender equality legislation through amendments and new provisions in already existing laws, including the Labor Code. The most substantial step forward came with the adoption of the Law on Protection Against Discrimination, which entered into force in January 2004.

Within the National Assembly the Human Rights and Religious Affairs Committee is responsible for gender issues. A National Council on Equality between Women and Men was set up by Government Decree 313/17.11.2004. The Council is a consultative body to the Council of Ministers and will develop and implement the national policy in gender equality in collaboration and coordination with government authorities and the non-governmental sector. The program of the Council, the National Action Plan for Encouragement of Equality between Women and Men 2005, was adopted in December 2004.

The Employment Strategy 2004-2010 represents the state's policies on equal opportunities for all social groups in the labour market. The measures in the National Action Plan for Employment are developed annually on the basis of the strategy.

Bulgaria also established a National Commission for Combating Trafficking in Human Beings, and in January 2005 the Commission approved a National Program for Combating Trafficking in Human Beings.

The National Assembly in March 2005 adopted the Law on Protection against Domestic Violence, which entered into force the following month.

In April 2005 the National Assembly elected the Ombudsman and the members of the Commission on Protection against Discrimination.

WHAT DO THE FACTS SAY*?

- The employment rate in 2004 was 48.4 percent of men and 39.5 percent of women;
- In higher paid managerial positions, there were 48,856 men (compared with 31,591 women) in 2002.

* Sources of data: *Bulgarian Country Report* (prepared as part of the report: *Equal Opportunities for Women and Men: Monitoring law and practice in new member states and accession countries*, available at www.cwsp.bg); and the Bulgarian National Statistical Institute.

DISCRIMINATION AGAINST WOMEN

“Discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

(*Convention on the Elimination of All Forms of Discrimination Against Women, Article 1.*)

THE EU'S COMMITMENT TO GENDER EQUALITY

“The EU has a long-standing commitment to promoting gender equality, enshrined in the Treaty since 1957.

The Community legal framework ensures that women and men are equal before the law. [...] Moreover, equal treatment legislation is a firmly established integral part of the *acquis communautaire* that countries applying for EU membership have to respect.”

(*Community Framework Strategy on Gender Equality (2001-2005)*, Introduction; http://europa.eu.int/comm/employment_social/equ_opp/index_en.htm)

THE ACQUIS COMMUNAUTAIRE

“The *acquis communautaire* is the body of common rights and obligations which binds all Member States within the European Union. It comprises Community law, all acts adopted under the second and third pillars of the European Union and the common objectives laid down in the Treaties.”

(http://www.eu2005.lu/en/savoir_ue/glossaire/glossaire_a/index.html#Acquis%20communautaire)

- On the whole, women are paid 72 percent of men's salaries;
- Women are comparatively well-represented in politics: after the 2001 Parliamentary elections, 27.1 percent of MPs were women. After the local elections in 2003, 9 percent of mayors, 16 percent of chairs of municipal councils and 24 percent of municipal councilors were women.

WHAT DO THE EXPERTS SAY?

- Bulgaria has made significant progress in building the basic framework for promoting equality between women and men. The legal basis is present, the first institutional bodies are being created, and plans and programs are being developed;
- In order to achieve gender equality, governmental and non-governmental bodies must synchronize their programs and plans in order to avoid any discrepancies or shortcomings in the system of measures and actions.

WHAT NEEDS TO BE DONE?

- Bulgaria needs a national strategy dealing with equality between women and men;
- Gender indicators must be developed so that the National Statistical Institute can collect and process data to monitor gender equality;
- More research needs to be done with gender indicators in order to be able to spot a wider variety of problems;
- In addition to the anti-discrimination act, a special law on equal treatment for women and men should be adopted in order to grant positive measures for improving women's representation, particularly in elected bodies.

DID YOU KNOW:

Five out of twenty Cabinet Ministers are women.

The number of unemployed women who quit their jobs because of family responsibilities is five times greater than the number of men who quit their jobs for the same reason.

MORE INFO:

www.cwsp.bg; www.nsi.bg; www.mlsp.government.bg