



## **Quality in Gender+ Equality Policies**

European Commission Sixth Framework Programme  
Integrated Project

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## **Issue Histories Bulgaria: Series of Timelines of Policy Debates**

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## Table of contents

I. History of general gender+ equality laws and policies .....	3
1. Policies of equal opportunities of women and men.....	3
3. Women's NGOs .....	13
4. List of relevant documents .....	14
II. Issue Histories and policy Timelines for Non-Employment.....	19
1. Introduction.....	19
2. Actors .....	21
3. Timeline of policy debates and decision making on issues related to non-employment, 1995-2007: BULGARIA.....	25
III. Issue History for Intimate Citizenship.....	47
1. Introduction.....	47
2. Actors .....	50
3. Timeline of policy debates and decision making on issues related to Intimate Citizenship, 1995-2007: BULGARIA .....	51
IV. Issue Histories for Gender Based Violence .....	61
1. Introduction.....	61
2. Actors .....	63
3. Timeline of policy debates and decision making on issues related to gender-based violence, 1995-2007: BULGARIA.....	64
Conclusions.....	84

## **I. History of general gender+ equality laws and policies**

### **1. Policies of equal opportunities of women and men**

#### **1.1. The 4<sup>th</sup> World Conference on Women and national gender equality policies (1995-1997)**

In 1995, Bulgaria signed the Beijing Declaration and Platform for Action. Six representatives from Bulgarian women's non-governmental organisations participated in the Fourth World Conference on Women. The Mid-1990s was the time of the emergence of the civil society in Bulgaria, a process resulting in the foundation of non-governmental organisations working for the protection of women's rights. After the democratisation period (1989), this was *the starting point* of the governmental policy efforts to engage with the issues of gender equality. At the beginning of 1996, the Bulgarian government started a policy of implementing the commitments undertaken in Beijing. The Decision No. 3 to form an inter-ministerial working group, including representatives of state institutions and organisations, to review the national legislation and practices in the area of gender equality<sup>1</sup> was taken on 18 January, 1996. Over the course of the year, the Bulgarian participants in the Beijing Conference raised funds for the translation of the whole platform into Bulgarian (British Council), organised a round table presentation with NGOs and government officials, and published 12 booklets on the respective areas of concern<sup>2</sup>. Under the pressure from women's NGOs to address the main areas of concern following a broad discussion at a session of the National Council on Social and Demographic Issues with the Council of Ministers on 2 July 1996, a National Action Plan (on the implementation of the commitments of the Republic of Bulgaria undertaken at the UN Fourth World Conference on Women, Beijing, 1995) was adopted. The Plan was followed by a Decision No. 1101 of Ministry of Councils for Adoption of Measures on the Conditions of Women. The Measures aimed to achieve real equality and development of women in all spheres of social life on the basis of sustainable social and economic development and a reaffirmation of the democratic civil society. After the Decision No. 1101, the Ministry of Councils established a Joint Committee for realisation of the women's policy at the national and local level.

#### **1.2. The economic crisis and the suspension of national gender equality policy (1997-2000)**

In 1997, the widespread economic crisis became the biggest issue in the country, followed by the introduction of the Currency Board on July, 1 1997. The gender equality policies that had been started in the mid-1990s were completely abandoned by the right wing government and no special programmes or policies on equal opportunities were issued at that time. Both the government and the legislative power oriented their social policies to more general issues. Due to these economic and political changes, the measures of achieving gender equality introduced in 1996 in the National Action Plan to implement of the commitments of

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1 Bulgarian Governmental Report on Implementation of the Beijing Platform for Action (1995): 1.

2 1999. Bulgaria and Beijing + 5 Answers to the Karat Questionnaire. Prepared by: Women's Alliance for Development. <http://www.enawa.org/NGO/bulgaria2.html>

the Republic of Bulgaria undertaken at the UN Fourth World Conference on Women in Beijing were not realised. The crisis also had a negative effect on the development of the civil society sector in gender equality: “(The) number of women's groups, working for gender equality, remains small in comparison with the "traditional" type of organisations, which stay focused on charity activities for the poor (orphans, disabled, elderly people), sticking to the traditional self-sacrificing role of women as carers in society. The lack of gender awareness as well as of professionalism in operating NGOs determines the relative weakness of the women's movement in Bulgaria. This is one of the factors that allow for the marginalisation of gender on the political agenda even in times of severe crisis.”<sup>3</sup>

At the end of 1997, by a Decision No 449 of the Council of Ministers, the institutional structure responsible for gender equality policy – The National Council on Social and Demographic Issues- was transformed to a National Council on Ethnic and Demographic Issues, which in practice, oriented the policy more towards ethnic minorities<sup>4</sup> rather than gender equality.

During the period 1998-2000, events related to gender equality policies took place mainly in the international context. At the very beginning of 1998, at meetings of the **Committee on the Elimination of Discrimination against Women** the Second and Third Periodic Reports submitted by the Bulgarian government in 1994 were reviewed. The information in the government report was supplemented with data from 1997 and was presented by the state representative at the 373<sup>rd</sup> Meeting, outlining that: “no temporary measures to achieve actual equality between men and women had been adopted because such equality was protected at the constitutional level.”<sup>5</sup> The Bulgarian NGO Women's Alliance for Development published a Shadow Report recommending the government establish an effective national mechanism for advancing gender equality and adopt adequate legislation providing for equal opportunities in the country.

In the following year, at the 30th Meeting Session of the **Committee on Economic, Social and Cultural Council** on November, 23 1999, the Bulgarian Third Periodic Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights submitted in 1996 as well as the Governmental Reply to the List of Issues were reviewed. During the informal Committee meeting with NGOs, which was held at the opening of the

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3 2000. Bulgaria Report on the Implementation of the Beijing Platform for Action. Submitted by: The Women's Resource Centre at the Women's Alliance for Development, Sofia, Bulgaria. To: Karat Coalition Dated: 11 February 2000. <http://www.enawa.org/NGO/bulgaria3.html>

4 The ratification of the Framework Convention for the Protection of National Minorities by Bulgaria on 30 September 1998 was a continuation of the policy, conducted by the Bulgarian government since 1997. On April 1999 Bulgaria adopted the Framework program for equal integration of Roma in Bulgarian society. The strongest support for adopting and implementation of these policies came from the political actors, rather than the civil society sector.

5 28/01/1998 Summary record: Bulgaria. 28/01/98. CEDAW/C/SR.373. (Summary Record). Convention Abbreviation: CEDAW. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN. EN (10 pages). <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/962d785723d03160c12572d5001f25e8?Opendocument>

session, representatives of the Bulgarian Gender Research Foundation presented to the CESCR members their Shadow report. "The IRAW (International Women's Rights Action Watch) reports were in some cases the only source of independent information and the only source on women's status."<sup>6</sup>

Since 1997, the Department of Human Rights at the Ministry of Foreign Affairs "was acting as a focal point for coordinating all the issues related to the implementation of the commitments stemming from the Beijing Platform for Action"<sup>7</sup>. There is insufficient information of the activities of the Department and a lack of published information about the Inter-ministerial Division since all the envisaged activities in the Action Plan were abandoned. "The NAP was adopted in 1996, but never implemented. [...] The NAP is not based on funds allocated for its implementation. The only funding indicated is funding from foreign sources, such as the EU Phare<sup>8</sup> program, UNDP, as well as fundraising by women's not-for-profit organisations."<sup>9</sup>.

In February 2000, the Bulgarian government submitted Answers to the Questionnaire on the Implementation of the Beijing Platform for Action, presented by the Government of the Republic of Bulgaria. The new commitments included: the elaboration of a special equality act (foreseen for June 2000) and the establishment of a consultative council on gender issues with Government. In June 2000, Bulgaria signed the Optional Protocol to CEDAW. Also in 2000, the Women's Resource Centre at the Women's Alliance for Development in its alternative report for Bulgaria on the Implementation of the Beijing Platform for Action confirmed the absence of cooperation between officials and the civil society: "the official response to the DAW questionnaire was not provided to NGOs, although key ministries are informed about their involvement and their monitoring role. This could be explained with the lack of regulations and formal channels of co-operation between Government and women's NGOs, rather than ill intention."<sup>10</sup>

### **1.3. The EU accession process and its impact on the national gender equality policy**

The process of EU accession had a great impact on the country's policy attempt to establish institutions and legal provisions for gender equality. In the middle of 2000, with regard to

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6 2000. Beijing + 5 as a Platform for Human rights *The Women's Watch* Vol. 13 (2.) 2000/1

7 28/01/1998 Summary record: Bulgaria. 28/01/98. CEDAW/C/SR.373. (Summary Record). Convention Abbreviation: CEDAW. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN. EN (10 pages).

<http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/962d785723d03160c12572d5001f25e8?Opendocument>

8 The Phare programme is one of three pre-accession instruments financed by the European Union to assist the applicant countries of Central and Eastern Europe in their preparations for joining the European Union.

9 1999. Women's Alliance for Development. Institutional mechanisms for the advancement of women (since the Beijing conference). Bulgaria Report, <http://www.enawa.org/NGO/bulgaria1.html>

10 2000. Bulgaria Report on the Implementation of the Beijing Platform for Action. Submitted by: The Women's Resource Centre at the Women's Alliance for Development, Sofia, Bulgaria. To: Karat Coalition Dated: 11 February 2000. <http://www.enawa.org/NGO/bulgaria3.html>

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 the Decree, the Rules of Procedure of the Ministry of Labour and Social Policy were amended. The Decree assigned the task of drafting, coordinating and conducting the state policy on gender equality to the *Ministry of Labour and Social Policy*. Actually, this was the first step of the government to introduce gender issues into the policy agenda after 1996. "Requirements for antidiscrimination 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."<sup>11</sup>

### ***First Draft Act on Equal Opportunities for Women and Men (2001)***

In 2001, a working group of representatives of the state administration, academic circles and NGOs made an assessment of the available administrative statistics on the situation of women's rights and prepared the first Draft Act on Equal Opportunities for Women and Men (AEOWM). The leading committee of the discussions was the Committee on Budget and Finance. "The aim of the AEOWM is to provide the missing link between equal rights and equal treatment in Bulgarian law, bringing a new concept of equal treatment and equal opportunities, of affirmative action, and of direct and indirect discrimination."<sup>12</sup> The Draft Act also envisaged the establishment of two institutions to ensure gender equality. One was a specialised Commission on Equal Opportunities for Men and Women with the Council of Ministers and an Ombudsman in charge of these issues at the national level. On 18 July 2001 the Draft Act was submitted to the National Assembly by members of the parliamentary group in opposition – United Democratic Forces.

In July, 2001, The Bulgarian Gender Research Foundation, one of the most active women's NGOs in Bulgaria, implemented a project of great significance: "Bringing Gender Equality to the Agenda of the Bulgarian Parliament", funded by the Westminster Foundation for Democracy. The first seminar which was part of the project targeted the new Members of Parliament with the purpose of informing them about the new ideas for legislation in the field of gender equality.

On September, 27 2001, the Gender Project for Bulgaria Foundation organised a roundtable in Sofia for public discussion of the Draft Act. During the first plenary reading at the National Assembly on 3 April 2002, the Draft Act on Equal Opportunities for Men and Women was only supported by the opposition and was rejected: "the leading political party arguing that a comprehensive Anti-Discrimination Act would be elaborated and would encompass the 'best

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11 Open Society Institute. 2005. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York: OSI. [http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502/](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/)

12 2002. Open Society Institute. Monitoring the EU Accession Process: Equal Opportunities for Women and Men. <http://www.eonet.ro/pdf/Bulgaria.pdf>

provisions' from the draft Act on Equal Opportunities."<sup>13</sup>

#### **1.4. The incorporation of gender equality policies into general anti-discrimination law (2002-2003)**

In 2002 The Government took a course of incorporating the issue of promoting gender equality and empowering women into a general antidiscrimination law and in specific legislation.

##### ***Law on Protection against Discrimination***

With the support of human rights NGOs, and the leading role of the Bulgarian Helsinki Committee, "in pressing for adoption of the law in urging the Bulgarian government to establish without delay the anti-discrimination Commission provided by the law, and ensure that it is staffed with individuals of relevant competence and experience with human rights issues"<sup>14</sup>, the government prepared and submitted a Draft Law on Preventing Discrimination on September 16 2002 and the discussions took place at the National Assembly. The drafting of the law was hastened by the EU accession process and "in harmony with European Council of the European Union Directives 2000/43, 2000/78, 2002/73, providing the current standards on anti-discrimination law in Europe. The law consolidates Bulgarian anti-discrimination law – to date scattered among various domestic legal provisions and for the most part ineffective – into a single comprehensive act, thus improving the chances for real and comprehensive enforceability in practice"<sup>15</sup>.

Bulgarian women's NGOs discussed the advantages of the policy shift to general anti-discrimination legislation, "but NGOs and experts in the field of gender equality have focused on the disadvantages, such as the impossibility of creating effective gender equality mechanisms, the risk of marginalising gender issues, and the further delay of the implementation of equal treatment and the Directives. The fact that the issue of equal opportunities for women and men is dealt with separately from other grounds of discrimination in European law provides a strong argument in favour of separate regulation."<sup>16</sup>

#### **1.5. The Draft Acts on Equal Opportunities and the adopted National Action Plans (2003-2006)**

##### ***Draft Act on Equal Opportunities (2003)***

On 16 May 2003 a group of deputies from the United Democratic Forces and the National Movement Simeon II submitted the revised Draft Act on Equal Opportunities for Women and Men for review at the National Assembly. The leading committee this time was the Committee on Human Rights and Religion. The draft act envisaged the establishment of a

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13 2002. Open Society Institute. Monitoring the EU Accession Process: Equal Opportunities for Women and Men. <http://www.eonet.ro/pdf/Bulgaria.pdf>

14 <http://errc.org/cikk.php?cikk=314>

15 <http://errc.org/cikk.php?cikk=314>

16 2002. Open Society Institute. Monitoring the EU Accession Process: Equal Opportunities for Women and Men. <http://www.eonet.ro/pdf/Bulgaria.pdf>

National Council on Equal Opportunities for Women and Men under the Minister of Labour and Social Policy as a permanent consultative body and a public protector acting as an independent authority to monitor the realization of equal rights. The Act did not pass. A year after, in March, The Bulgarian Gender Equality Coalition raised again the issue of the Ombudsperson responsible for gender equality on the national level, since the institution of the general Ombudsman was introduced in Bulgaria in 2004.

In March 2004, the Equal Opportunities for Women and Men Sector within the Policy of Labour Market Directorate was created. Another structure at the Council of Ministers was formed, following the Decree No. 313 of Council of Ministers from November 17, 2004. It was the National Council on Gender Equality with the Council of Ministers, responsible for consultations, development and implementation of the national policy on gender equality in collaboration and coordination between the government authorities and the non-governmental sector.

### ***The National Action Plans for Promotion of Equal Opportunities of Women and Men (2005-2006)***

At the end of 2004, on 9 December, The National Action Plan for Promotion of Equal Opportunities of Women and Men for 2005 was adopted. It was the first important document engaging the government with the issues of gender equality (after the one adopted in 1996), but the problems of institutional weakness and lack of funding for gender equality still remained unsolved.

In March 2005 a Progress report was published, prepared by the Government of the Republic of Bulgaria for the United Nations Beijing +10 review. In November 2005, the Centre of Women's Studies and Policies organised a Roundtable "Women's participation in policy making" which was devoted to the 10th Anniversary of the Adoption of the Beijing Declaration and Platform for Action and the 5th Anniversary of the Millennium Development Goals. Two weeks after the roundtable, on 24 November 2005, the National Action Plan for the Promotion the Equal Opportunities for Women and Men for 2006 was adopted by the Council of Ministers. The Plan repeated most of the activities from the previous year. No Action Plan for Gender Equality was prepared and adopted for 2007. At present, there are no officially published reports on the implementation of the envisaged activities in the Action Plans (2005-2006).

### ***Draft Law on Equal Opportunities for Women and Men (2006)***

The 8th Annual Meeting of women's NGOs made an Appeal<sup>17</sup>, addressed to both the National Assembly and the Government. The participants tried to raise again the awareness of the need of Law on Equal Opportunities for Women and Men. On August 2 2006, a Draft Law on Equal Opportunities for Women and Men was submitted for the third time at the National Assembly. This time the Draft Law was prepared by the Council of Ministers. It was

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17 Appeal of the Participants in the 8th Annual Meeting, 2006.  
<http://www.cwsp.bg/htmls/page.php?category=448&id=716>

discussed at the Committee of Legal Issues (09.08.2006 and 14.09.2006) and at the Committee of Human Rights and Religion on December 7 2006.

Due to that fact that there is no public body responsible for equal opportunities and it is the Ministry of Labour and Social Policy, the issue of equal opportunities for women and men in Bulgaria was continuously interrelated with the general policy discourse on employment and social inclusion. The contemporary national gender equality policy in particular could be recognised in the newly adopted strategic documents of the Ministry of Labour and Social Policy which were oriented towards labour market initiatives.

### **1.7. Competition of gender with other equalities**

The adopted Law on Protection against Discrimination “fulfils prior obligations freely adopted by the Bulgarian government in the Framework Programme for the Equal Integration of Roma into Bulgarian Society.”<sup>18</sup> Until 2005, the adopted anti-discrimination law provided legal protection against discrimination regarding ethnic, religious and political rights. In January 2005 the National Assembly adopted an amendment to provide protection against discrimination based on sexual orientation. It is evident from the Commission's Annual Reports for 2005/2006 that the introduced cases based on “ethnicity and race” were three times more (38), than those of discrimination based on “disability, age and sexual orientation” (13) and “gender, human genome and labour protection” cases (11).

The national institutional specifics and other related international conditions made possible the cooperation of different human rights NGOs. LGBT non-governmental and informal groups recently began to work in close cooperation with the NGOs of people with disabilities. The existence of the public body – the National Council on Ethnic and Demographic Issues (NCEDI) -played an important role in setting up this cooperation, from which the women's NGOs were excluded. The activities appointed to the National Council on Ethnic and Demographic Issues in regard to the implementation of the “2007 European Year of Equal Opportunities” contributes to that tendency. In October 2006, the preparation of the National Action Plan against Discrimination for 2007 was discussed at the NCEDI between representatives of the Council of Ministers and NGOs; in January 2007, the Plan was adopted by the Council of Ministers, proposing measures against discrimination based on race, ethnicity, sexual orientation, religion, disability and gender.

So far, the National Action Plan against Discrimination for 2007 has not been recognised by the women's NGOs as part of the gender equality policies. There is no strong evidence (past or present) for cooperation between non-governmental organisations, implementing projects and lobbying for anti-discriminatory legislation, creating an invincible gap between the issues of women's rights and other equality policies. In the beginning of 2007, at the 9<sup>th</sup> Annual Meeting, the adoption of the Law on Equal Opportunities for Women and Men and the suggestions for the amendments to the Family Code have been set as the major policy concern, but no LGBT NGOs representatives have been invited and the issue of homosexual

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18 <http://errc.org/cikk.php?cikk=314>

rights in the debated legislation changes has not been raised.

## 2. Institutional mechanisms for advancing gender equality

In 1994 the **National Women's Forum** was established together with the UNDP Women in Development (WID) Program in Bulgaria. The Forum “gathers the women's NGOs and the National Council on Social and Demographic Issues at the Council of Ministers. It permits a dialogue on the roles of Bulgarian women. Before the creation of the Forum, this dialogue was, for a long time, carried out on two different levels: informal women's groups and political parties.”<sup>19</sup>

The 1996 National Action Plan gave an account of the responsible institutions and organizations and the necessary resources for the implementation of the policy ensuring gender equality in the country. The Plan envisaged the establishment of an *Institution* (Committee, Sub-committee) on problems of gender equality within the *National Assembly* and establishment and financial provision for a separate structure for promotion of equal opportunities for women and men, as well as establishment of structures for promotion of gender equality in the state administration. It also declared the need for the steps that should be taken for making amendments to the legal system. It detailed the responsible institutions and organizations and the necessary resources for the implementation of the policy ensuring gender equality in the country. “From October 1995 to January 1997 an inter-ministerial “National Council for Social and Demographic Issues” has been in existence, with an unclear mandate to advise the government on minority and gender issues and to serve as mechanism for cross-sector dialogue (between government and non-governmental organisations).”<sup>20</sup>

In 1999, the *Ministry of Foreign Affairs* and in particular its *Department of Human Rights* were the institutions which fulfilled the function of a focal point to co-ordinate all issues related to the implementation of the commitments deriving from the Beijing Platform for Action. In 1999, a report by the Women's Alliance for Development assessed the national institutional mechanism for advancing gender equality as “very dissatisfactory” and explicitly stated that: “Bulgaria does not have such a mechanism”<sup>21</sup>, “currently, Bulgaria is but the only country in Central and East Europe without national machinery for the advancement of women.”<sup>22</sup>

With the adoption of the Decree No. 155 of 2000, the *Minister of Labour and Social Policy*

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19 National Women's Forum - Bulgaria:

[http://www.ilo.org/public/english/employment/gems/eoo/law/bulgaria/inst\\_nwf.htm](http://www.ilo.org/public/english/employment/gems/eoo/law/bulgaria/inst_nwf.htm)

20 1999. Women's Alliance for Development. Institutional mechanisms for the advancement of women (since the Beijing conference). Bulgaria Report, <http://www.enawa.org/NGO/bulgaria3.html>

21 1999. Bulgaria and Beijing + 5 Answers to the Karat Questionnaire. Prepared by: Women's Alliance for Development. <http://www.enawa.org/NGO/bulgaria2.html>

22 1999. Women's Alliance for Development. Institutional mechanisms for the advancement of women (since the Beijing conference). Bulgaria Report, <http://www.enawa.org/NGO/bulgaria3.html>

became responsible for organizing, coordinating and controlling the execution of the state policy in the area of achieving equal opportunities for women and men. The respective administrative structure working on gender problems was the *Directorate on Labour Market Policy*. The Directorate coordinated and elaborated the state policy in the areas of the labour market, the protection of the national labour market, professional training of manpower, equal opportunities for women and men and groups with unequal status on the labour market. There was a Department of Monitoring, Research and Assessment of the Labour Market that reported to the Directorate. The Department, together with the Directorate on Planning, Analyses and Prognosis, was 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.<sup>23</sup>

On March 3 2003, **The Consultative Commission Equal Opportunities for Men and Women** was established under the Minister of Labour and Social Policy. It is a structure based on voluntary principles. It is aimed at creating partnerships among state institutions, is responsible for developing and implementing the equal opportunities policy with social partners and NGO representatives, and is involved in the area of equality between men and women, which should serve as a basis for introducing the gender mainstreaming approach in the development and implementation of this policy.<sup>24</sup>

In March 2004, the specialised unit **Equal Opportunities for Women and Men Sector** was set up within the Policy of Labour Market Directorate. The activity of the Sector was reviewed in 2005 by the Centre of Women's Studies and Policies which recommended: "The Sector on Equal Opportunities for Women and Men at the Ministry of Labour 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."<sup>25</sup>

In November, 2004 **the National Council on Gender Equality** was established at the Council of Ministers. The National Council consults the Government on draft legislation and other acts on equality between women and men, and issues opinions on their compliance to the aims of the policy on gender equality. It coordinates the efforts of the governmental bodies and the non-governmental sector in implementation of the state policy on gender equality and the international commitments of the Republic of Bulgaria regarding these issues. The National Council supports the implementation of domestic and international

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23 Open Society Institute. 2005. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York: OSI. [http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502/](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/) (accessed 20 March, 2007)

24 Open Society Institute. 2005. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York: OSI. [http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502)

25 Open Society Institute. 2005. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York: OSI. [http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502)

projects of national importance carried out by the social partners and the NGOs in the area of gender equality, reconciliation of family and parental with professional responsibilities, and provides an account of the final results and organizes the conduct of research on issues related to its activities. The National Council also approves rules for consultations and collaboration at the local level.

- National Council on Equality between Women and Men to the Council of Ministers  
<http://www.government.bg>

In November 2005, with the coming into force of the new Rules of Procedures of the Ministry, the **Equal Opportunities for Women and Men Division was closed down** and another unit was established. It was the **Equal Opportunities Department** at the newly set up Demographic Policy, Social Investments and Equal Opportunities Market Directorate, which develops and coordinates the implementation of the state policy in these fields.

- Equal Opportunities Department at the Demographic Policy, Social Investments and Equal Opportunities Directorate at the Ministry of Labour and Social Policy  
<http://www.mlsp.government.bg/equal/>

#### *Committees at the National Assembly*

Within the National Assembly there is still no separate Committee on Gender Equality. It is the **Human Rights and Religious Affairs Committee** that is responsible for gender issues. This is a Standing Committee and considers bills on human rights and religions, submitted by members of the Parliament or the Council of Ministers. It also considers bills on anti-discrimination, gender equality, rights of children, rights of convicts, rights of refugees, religious freedoms (e.g. the bills on the Ombudsman, on Equal Opportunities for Women and Men (not passed), on Protection against Discrimination etc.). The Committee also organizes roundtables and other discussions on these issues together with international institutions and non-governmental organizations. At its regular meeting on 23 February 2006 the Human Rights and Religious Affairs Committee of the National Assembly established a **Sub-committee on Women's Rights and Gender Equality**.

- Human Rights and Religious Affairs Committee  
<http://www.parliament.bg/?page=ns&lng=en&nsid=5&action=show&qid=169>

In 2005, the **Commission for Protection against Discrimination** was established, according to the Law for Protection against Discrimination. 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 Law on Protection against Discrimination and other laws regulating equality of treatment and it reports annually to the National Assembly. The structure and organization of the Commission does not envisage regional subdivisions of the Commission; this will mean delays and barriers to access for persons who are subject to discrimination and who are not living in Sofia. The Commission works and adopts decisions on the cases brought before it in panels, which are appointed by the Chair of the Commission. According to the Order No 7/11.10.2005 six permanent panels were established to review cases of

discrimination based on: 1) “ethnic and race”, 2) “gender, human genome and employment”; 3) “nationality, citizenship, origin, religion and belief”; 4) “education, convictions, political affiliation, personal and public status” 5) “family status and property status”.

- Commission for Protection against Discrimination. <http://www.kzd-nondiscrimination.com/>

### 3. Women's NGOs

The “Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union”<sup>26</sup> report, prepared in 2005 by the Centre of Women's Studies and Policies and funded by Open Society Institute, identified the following main women's NGOs and networks in Bulgaria.

Four *national networks* have been identified in the report:

(1) The National Network for Equal Opportunities, initiated by the Women's Alliance for Development in 2001 which unites 72 Bulgarian NGOs.

(2) The Bulgarian Platform to the European Women's Lobby (2003), with the Bulgarian Gender Research Foundation being the national coordinator among the 15 organizations that have affiliated themselves with the BWL so far.

(3) The Bulgarian Gender Equality Coalition, initiated by Gender Project for Bulgaria Foundation, which unites representatives of civil society, institutions, political parties and media.

(4) 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 Association and Nadja Foundation Centre are the leading organizations;

Two big *trade unions* have their women's organizations:

1) The “21st Century Women's Parliament” to the Confederation of Independent Trade Unions in Bulgaria, and 2) the Women's Union to the Confederation of Labour “Podkrepa”.

*NGOs affiliated with political parties:*

Some NGOs are affiliated with political parties, though they have an independent status as non-political organizations. These are national membership organizations such as: 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”.

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<sup>26</sup> Open Society Institute. 2005. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York: OSI. [http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502/](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/)

### *National Annual Meeting*

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 Centre for Women's Studies and Policies Foundation.

## **4. List of relevant documents**

### **Draft Laws on Equal Opportunities for Women and Men**

- Draft Act on Equal Opportunities for Women and Men submitted to the National Assembly 18.07.2001. (15 pages). <http://www.parliament.bg/bills/39/154-01-11.pdf>
- Record of the discussion in the Budget and Finance Committee at the National Assembly. 23.02.2002.
- Parliamentarian debates on the Draft Law on Equal Opportunities for Women and Men at the National Assembly when the Draft was rejected (03.4.2002)
- Draft Act on Equal Opportunities for Women and Men submitted to the National Assembly 16.05.2003
- Record of the discussion of the Draft. Education and Science Committee. 16.06.2003.
- Record of the discussion in Human Rights and Religious Affairs Committee at the National Assembly. 23.02.2006. (established the Sub-committee of Sub-committee on Women's Rights and Gender Equality)
- A Draft Law on Equal Opportunities for women and men submitted to the National Assembly 2.08.2006.
- Records of the discussion of the Draft Act in the Legal Affairs Committee at the National Assembly. 09.08.2006 and 14.09.2006. <http://www.parliament.bg/?page=ns&lng=bg&nsid=5&action=show&Type=cmSteno&qid=156&SType=show&id=412>
- Record of the discussion of the Draft Act in Labour and Social Policy Committee. 9.08.2006 Законопроект за равните възможности на жените и мъжете. <http://kei.parliament.bg/?page=ns&lng=bg&nsid=5&action=show&Type=cmSteno&qid=155&SType=show&id=412>
- Record of the discussion of the Draft Act in Committee of Human Rights and Religion at the National Assembly. 7.10.2006 and 8.12.2006.

### **NGO document:**

- 11-04-2006. 8th Women's NGOs Annual Meeting. An Appeal for the adoption the Act of Equal Opportunities for Women and Men. <http://www.cwsp.bg/htmls/page.php?category=448&id=716>

### **National Action Plans**

- National Action Plan in implementation of the commitments of the Republic of Bulgaria undertaken at the UN Fourth World Conference on Women, Beijing, 1995.) BG/EN. (20 pages). <http://www.un.org/documents/ga/conf177/natrep/nap1996->

[bulgaria.htm](#)

- A Decision No. 1101 of Council of Ministers For Adoption of Measures on the Conditions of Women. [Решение No. 1101 на Министерския съвет за приемане на мерки за положението на жените.] BG. 30 September, 1996 (35 pages): [http://www.cwsp.bg/upload/docs/Merki\\_1996.pdf](http://www.cwsp.bg/upload/docs/Merki_1996.pdf)
- 09.12.2004. National Action Plan for Promotion of Gender Equality for 2005. (9 pages). [www.mlsp.government.bg/equal/bglaw.asp?id=278](http://www.mlsp.government.bg/equal/bglaw.asp?id=278)
- 24.07.2005. National Action Plan for Promotion of Gender Equality for 2006. (9 pages). [www.mlsp.government.bg/equal/bglaw.asp?id=279](http://www.mlsp.government.bg/equal/bglaw.asp?id=279)

### **General anti-discrimination legislation**

- A Draft Law on Preventing Discrimination was submitted on September 16 2002 by the Council of Ministers. <http://www.parliament.bg/bills/39/202-01-61.pdf>
  - Parliamentary Debates on the Draft Law on Preventing Discrimination
  - Debates on the amendments to the Law on Prevention against Discrimination 01/06/2006. <http://www.parliament.bg/?page=plSt&lng=bg&SType=show&id=147>
- National Action Plan against Discrimination for 2007. [www.ncedi.government.bg/AP2007%20finalEVA.pdf](http://www.ncedi.government.bg/AP2007%20finalEVA.pdf)

### **NGO document:**

- The Opinion of the Centre of Women's Studies and Policy on the Draft Act on amendments to the Law for Protection against the Discrimination. 31.03.2006. <http://www.cwsp.bg/htmls/page.php?id=727&category=447>

### **Committee on the Elimination of Discrimination against Women**

- 28/01/1998 Summary record: Bulgaria. 28/01/98. CEDAW/C/SR.373. (Summary Record). Convention Abbreviation: CEDAW. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN. EN (10 pages). <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/962d785723d03160c12572d5001f25e8?Opendocument>
- 28/01/1998 Summary record: Bulgaria. 28/01/98. CEDAW/C/SR.374. (Summary Record). Convention Abbreviation: CEDAW COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN. EN (8 pages.) [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/962d785723d03160c12572d5001f25e8?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/962d785723d03160c12572d5001f25e8?Opendocument)
- 14/05/1998 Concluding Observations/Comments. Concluding observations of the Committee on the Elimination of Discrimination against Women: Bulgaria. 14/05/98. A/53/38, paras.208-261. <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/c50f27fa9396ed8a80256664004eaeac?Opendocument>

### **NGO documents:**

- 1998. Women's Alliance for Development. Women in Bulgaria. A Strategy for Equal Opportunities, Development and Peace. (in Bulgarian, 24 pages)
- 1998. Women's Alliance for Development. Shadow report to CEDAW, article for

Social Watch edition 1999 on Copenhagen and Beijing follow-up.

**The Committee on Economic, Social and Cultural Rights (State Party Report) Third periodic report: Bulgaria. (18/10/96) and Reply to List of Issues (09/07/99)**

- Third periodic report: Bulgaria. 18/10/96. E/1994/104/Add.16. (State Party Report). Convention Abbreviation: CESCR Substantive session of 1997. IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS. EN  
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/E.1994.104.Add.16.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.1994.104.Add.16.En?OpenDocument)
- Reply to List of Issues: Bulgaria. 09/07/99. (Reply to List of Issues). Convention Abbreviation: CESCR COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS 21st session Geneva, 15 November - 1 December 1999.  
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/d3ca19895b9f9922802567ac004ecbd6?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/d3ca19895b9f9922802567ac004ecbd6?Opendocument)

**Summary records**

- Summary record of the 30th meeting: Bulgaria. 23/11/99. E/C.12/1999/SR.30. (Summary Record). Convention Abbreviation: CESCR. COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS.  
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1999.SR.30.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1999.SR.30.En?Opendocument)
- Summary record of the 31st meeting: Bulgaria. 29/11/99. E/C.12/1999/SR.31. (Summary Record). Convention Abbreviation: CESCR. COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS.  
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1999.SR.31.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1999.SR.31.En?Opendocument)
- Summary record of the 32nd meeting: Bulgaria. 23/11/99. E/C.12/1999/SR.32. (Summary Record). Convention Abbreviation: CESCR. COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS. Twenty-first session. SUMMARY RECORD OF THE 32nd MEETING.  
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1999.SR.32.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1999.SR.32.En?Opendocument)
- 1999. Bulgarian Gender Research Foundation. Shadow Report, presented to the CESCR members.

**Concluding Observations**

- Concluding Observations of the Committee on Economic, Social and Cultural Rights: Bulgaria. 08/12/99. E/C.12/1/Add.37. (Concluding Observations/Comments). Convention Abbreviation: CESCR. COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS.  
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.37.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.37.En?Opendocument)

**Answers to the Questionnaire on Implementation of the Beijing Platform for Action:**

- 14-02-2000. Answers to the Questionnaire on Implementation of the Beijing Platform for Action, presented by the Government of the Republic of Bulgaria. (Division for the Advancement of Women by the Government in response to the Secretary-General's Questionnaire on Implementation of the Beijing Platform for Action.) EN. (30 pages)  
<http://www.un.org/womenwatch/daw/followup/responses/Bulgaria.pdf>

**NGO documents:**

- 1999. Bulgaria and Beijing + 5 Answers to the Karat Questionnaire. Prepared by: Women's Alliance for Development. <http://www.enawa.org/NGO/bulgaria2.html>
- 1999. Women's Alliance for Development. Institutional mechanisms for the advancement of women (since the Beijing conference). Bulgaria Report, <http://www.enawa.org/NGO/bulgaria3.html>
- 11.02.2000. Bulgaria Report on the Implementation of the Beijing Platform for Action. Submitted by: The Women's Resource Centre at the Women's Alliance for Development, Sofia, Bulgaria. To: Karat Coalition. <http://www.enawa.org/NGO/bulgaria3.html>

**Government progress report Beijing+10**

- 03.2005. Progress report prepared by the Government of the Republic of Bulgaria for the United Nations Beijing +10 review in March 2005. EN (16 pages) <http://www.unece.org/oes/gender/documents/question/Bulgaria.pdf>

**NGO document:**

- 17.11.2005. Center of Women's Studies and Policies. Roundtable "Women's participation in policy making", devoted to the 10th Anniversary of the Adoption of the Beijing Declaration and Platform for Action and the 5th Anniversary of Millennium Development Goals. (Full Record of the Roundtable. 78 pages).

**Reports from the European Commission on Bulgaria's Progress towards Accession**

- Regular Report from the Commission on Bulgaria's Progress towards Accession (1998) (1.2 Human Rights and Protection of Minorities (9-11); 3.5 Employment and Social Affairs (32-33). [http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/1998/bulgaria\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/1998/bulgaria_en.pdf)
- Regular Report from the Commission on Bulgaria's Progress towards Accession (13/10/99) (1.2. Human rights and protection of minorities (p.13-16); 3.5. Employment and Social Affairs (p.45-47). [http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/1999/bulgaria\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/bulgaria_en.pdf)
- Regular Report from the Commission on Bulgaria's Progress towards Accession (8 November 2000) (1.2. Human rights and protection of minorities (p. 18-24); Chapter 13. Social Policy and Employment (p. 56-58). [http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2003/rr\\_bg\\_final\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/rr_bg_final_en.pdf)
- Regular Report from the Commission on Bulgaria's Progress towards Accession (SEC(2001) 1744) (1.2. Human rights and protection of minorities (p. 20-26); Chapter 13. Social Policy and Employment (p. 59-63). [http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2001/bulgaria\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/bulgaria_en.pdf)
- Regular Report from the Commission on Bulgaria's Progress towards Accession {COM(2002) 700 final} (Brussels, 9.10.2002 SEC(2002) 1400). (1.2. Human rights and protection of minorities (p. 28-35); Chapter 13. Social Policy and Employment (p. 80-83).

- [http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2002/bulgaria\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2002/bulgaria_en.pdf)
- Regular Report on Bulgaria's progress towards accession (2003) (1.3. Human rights and protection of minorities (p. 20-28); Chapter 13. Social Policy and Employment (p. 73-77).  
[http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2003/rr\\_bg\\_final\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2003/rr_bg_final_en.pdf)
- Regular Report on Bulgaria's progress towards accession {COM(2004) 657 final}(Brussels, 6.10.2004 SEC(2004) 1199) (1.2. Human rights and protection of minorities (p. 20-27); Chapter 13. Social Policy and Employment (p. 83-88).  
[http://europe.bg/upload/docs/Regular\\_Report\\_2004\\_EN.pdf](http://europe.bg/upload/docs/Regular_Report_2004_EN.pdf)
- 2005 – Comprehensive Monitoring Report Bulgaria. {COM (2005) 534 final} Brussels, 25 October 2005 SEC (2005) 1352 (B. Political criteria (p. 6-17); Chapter 13. Social Policy and Employment (p.46-49).  
[http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2005/bulgaria\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/bulgaria_en.pdf)
- Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania (Brussels, 26.9.2006 COM(2006) 549 final) (p.20-25).  
[http://ec.europa.eu/enlargement/pdf/key\\_documents/2006/sept/report\\_bg\\_ro\\_2006\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2006/sept/report_bg_ro_2006_en.pdf)

#### **NGOs documents:**

- 2002. Open Society Institute. Monitoring the EU Accession Process: Equal Opportunities for Women and Men. <http://www.eonet.ro/pdf/Bulgaria.pdf>
- 2003. WIDE. Information Sheet. Gender equality and EU accession: The situation in Bulgaria.
- 2004. WIDE Information Sheet. What considerations for gender equality? The enlarged EU and its agenda for a wider Europe: What considerations for gender equality? EU candidate countries, Written by Dr. Irina Moulechko, Bulgarian Gender Research Foundation. With the contribution of Dr. Plamenka Markova and Genoveva Tisheva, Bulgarian Gender Research Foundation.
- 2005. Open Society Institute. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York:OSI.  
[http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502)
- 2007. Bulgaria and Romania acceding to the EU. <http://www.wide-network.org/index.jsp?id=244>, by Plamenka Markova and Genoveva Tisheva, March 2007.

## II. Issue Histories and policy Timelines for Non-Employment

### 1. Introduction

The timeline considers the following sub-issues:

- Reconciliation of work and family life
- Care Work
- Equal Pay
- Tax-Benefit Policies
- Access to the labour market

A number of factors have impacts on the issue of reconciliation of work and family life in Bulgaria. The complexity of these factors implicitly relates to all the other sub-issues of care and unpaid work, as well as the issue of the family benefits and to some extent, the access to the labour market. The first important factor is the adopted basic legislation, allowing de jure the principles of reconciliation of work and family life: the Constitution (1991) contains legal provisions (Articles 46 and 47) and the Family Code (1986) regulates the equal opportunities of partners in the family sharing their obligations of raising children and providing financial support. Also, the newly adopted legislation, highly influenced by the process of the country's accession in the European Union, has made some changes to the legal provisions for women in Bulgaria to be able to combine work and family life. The other factor is in relation with the secondary normative acts, regulating the structural and financial conditions<sup>27</sup> for the implementation of the adopted legislation. The third important factor lies in the area of the socially stereotyped attitudes towards the women's roles which still prevail and are one of the major reasons for the ineffective implementation of the adopted legislation.

1996-2000 The first policy attempt to deal with the issue of **reconciliation of work and family life** during the transition period can be found in the government documents, adopted in 1996, highly influenced by the Beijing Conference in 1995. The efforts are articulated mostly in the National Action Plan in implementation of the commitments from the UN 4<sup>th</sup> World Conference. Although the envisaged policy has not realised any significant legal changes for the reconciliation of work and family life, it did introduce the concept “*flexible form of employment*” and the need for its regulation in future amendments to the Labour Code. In 1999 the idea of *additional (second) employment* appeared again, but only in the policy rhetoric.

After 2001, the changes in the general gender equality policy have also raised debates on some particular issues of “flexible work schemes”. No legislation changes have been made until recently, when the amendments to the Labour Code in 2006 regulated, to some extent, the forms of *part-time* and *fixed-time* work. Nevertheless, “Bulgaria ranks at the bottom of the scale of the 27 EU countries with respect to part-time employment and flexible employment

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<sup>27</sup> For example, due to the lack of sufficient financial institutional resources, parents have to make a year or more in advance an application for approval by Child Care Services (if they are to be approved at all).

of women. Only 2.7 per cent of women work part-time compared to the average 32.9 per cent of women in the EU.<sup>28</sup>

Compared to the regulation of flexible employment, in 1998-1999 more focus was on the provisions and regulations of social services associated with **care work at home for people with disabilities**. In 2003, due to the new state policy commitments towards equal opportunities for disabled people, the regulation of the care work was amended and supplemented. It legally introduced the concepts “Social Assistant” and “Personal Assistant” which specified the care work for disabled people at home as employment.

To some degree, the reason for the absence of the legal provisions for reconciliation of work and family life has been an effect of the general understanding on the part of the state viewing the sub-issue as part of policies on **benefits for children**. Such a public attitude was strengthened by the widespread problem of poverty in the 1990s. This could also be applied to the national employment policies and **benefits for unemployment**. By the end of 1990s, the policy of benefits prevailed. In 2001-2002, an intensive debate on the family benefits for children was initiated at the Parliament. The debate was initiated, most of all, by the need for updating the policy. The new policy targets only “the people in need”. After the adoption of the new Act on Family Benefits in 2002, it has been amended and supplemented every year. In 2006 more significant and major amendments were made concerning pregnancy, maternity and adoption paid leave.

In the years of transition (1995-2000), the high unemployment rates and the extreme poverty made the **benefits for unemployment** much more desirable than the employment incomes<sup>29</sup>. The organised re-training and “back to work” programmes had little impact on changing that public attitude. In 1997 the Protection against Unemployment and Employment Promotion Act was adopted. The National Action Plan on Employment was elaborated under the pressure of the European Commission, in 2001, when the negotiation processes took place. Bulgaria had to ensure the compliance with the EU Directives in the field of **social policy and employment** and in 2001 the country adopted new Employment Promotion Act. After 2002, as part the process of the EU accession, numerous amendments to the Labour Code have been made. “The unemployment rate of women by the end of 2006 is 8.7 for women and 8.1 for men but considerable inequality persists due to major obstacles for women who lose their jobs to find new work despite education and qualifications. Therefore

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28 2007. Bulgaria and Romania acceding to the EU. <http://www.wide-network.org/index.jsp?id=244>, by Plamenka Markova and Genoveva Tisheva, March 2007.

29 Even now, it still is an issue of discussion: “In reality, the number of different assistance programmes may not seem substantial but when the entitlements are combined, people can accumulate relatively significant amounts under the various laws. Thus, the entitlements can become more valuable than other minimum payments like the minimum wage and the minimum pension. This process of entitlements is a disincentive to work and can encourage abuse of the system.” (Shtonova, Nelly. 19-09-2006. Social partners propose new model for combating poverty. <http://www.eurofound.europa.eu/eiro/2006/07/articles/bg0607049i.html>)

women make up 56.3 per cent of the long- term unemployed.”<sup>30</sup>

During 1997-1999, the Council of Ministers adopted decrees, providing for **equal wages** for all posts of the same level. Amendments to the Labour Code made in 2001 provided the principle of **equal pay for women and men**. “The legal provisions on protection from sex-based discrimination in employment relations do not differentiate between the public and private sectors, but daily practice and research reveal considerable differences between the two. In particular, the economic constraints of the private sector lead women to suffer inequalities in employment conditions, including in relation to pay. [...] Some trade unions, such as the Podkrepa Labour Confederation, have undertaken initiatives to provide free legal aid, but their practice so far has not been related to gender issues. Research shows that lawyers’ fees often constitute a barrier for workers to claim their rights. [...] In its ‘Black Book’ of the violations of labour and syndicate rights, the Confederation of the Independent Trade Unions in Bulgaria does not mention any instances of discrimination with regard to pay.”<sup>31</sup>

The **pension system reforms** began in 1999 with the adoption of the Obligatory Social Security Code. “Because of the change in the conditions for access to the pension system, women were the most uncompensated by the reform.”<sup>32</sup>.

The health security system was not included in the legislation for compulsory social security. The Health Insurance Act adopted in 1998 “came in response to the heavy problems in the public taxation financed system of healthcare”<sup>33</sup>. After 2000, the health care system was restructured along with the process of privatisation in the country. The adoption of the new laws and regulations of healthcare changed the principles of allowances to health care services<sup>34</sup>.

## 2. Actors

### Government

National Council on Equality between Women and Men to the Council of Ministers  
<http://www.government.bg>

### Ministry of Labour and Social Policy

- **Consultative Commission on Equal Opportunities** to the Minister of Labour and Social Policy. <http://www.mlsp.government.bg>
- **Equal Opportunities Department** at the Demographic Policy, Social Investments,

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30 2007. Bulgaria and Romania acceding to the EU. <http://www.wide-network.org/index.jsp?id=244>, by Plamenka Markova and Genoveva Tisheva, March 2007.

31 2002. Open Society Institute. Monitoring the EU Accession Process: Equal Opportunities for Women and Men. <http://www.eonet.ro/pdf/Bulgaria.pdf>

32 The New Social Security Code – Winners and Failures Groups. The Bulgarian case. [unpan1.un.org/intradoc/groups/public/documents/NISPAcee/UNPAN005649.pdf](http://unpan1.un.org/intradoc/groups/public/documents/NISPAcee/UNPAN005649.pdf)

33 <http://www.nhif.bg/eng/healthcare.phtml>

34 For the development of that tendency and its concrete consequences see Chapter IV. (Policies of reproductive assistance)

the Ministry of Labour and Social Policy <http://www.mlsp.government.bg/equal/>

- **The National Employment Agency** is an executive agency to the Minister of Labour and Social Policy for the implementation of the government policy on employment promotion. Finding employment allows the full use of every individual's capabilities and skills and defends his/her rights of dignifying existence and active social participation. <http://www.az.government.bg>
- **Executive Agency "General Labour Inspectorate"** inspects the observance of labour legislation in ensuring occupational safety and health and in accomplishing legal labour relations. Monitors the implementation of the Law for employment inclusion and other acts concerning unemployment and labour. Gives information and technical advice to employers and employees about the most effective methods for complying with labour legislation. Informs the competent bodies about omissions and defects of the labour legislation which is in force. <http://git.mlsp.government.bg/>
- **Agency for Social Support** is an executive agency at the Ministry of Labour and Social Policy. <http://www.asp.government.bg/>
- **Agency for People with Disabilities.** <http://ahu.mlsp.government.bg/>
- **PHARE Implementing Agency.** <http://ef.mlsp.government.bg>
- **Bulgarian National Focal Point of the European Agency for Safety and Health at Work.** The Focal Point is situated at the Ministry of Labour and Social Policy in the department "Labour Conditions and Arbitrage". The principal aim of the Agency is to support the process of mutual exchange of information between EU Member States and Candidate Countries. The Focal Point assures organization and coordination of the activity at the national level by the National Information Network, which includes state and public institutions, national organizations of employers and workers, research institutes and other organizations. <http://osha.mlsp.government.bg>

**National Statistical Institute.** [http://www.nsi.bg/Labour\\_e/Labour\\_e.htm](http://www.nsi.bg/Labour_e/Labour_e.htm)

**The Economic and Social Council.** <http://www.esc.bg>

#### **Parliamentarian Committees**

- Labour and Social Policy Committee  
<http://www.parliament.bg/?page=ns&lng=en&nsid=5&action=show&qid=162>

#### **Trade Unions**

National Association to the Confederation of Independent Trade Unions. <http://www.knsb-bg.org/>

Confederation of Labour "Podkrepa" <http://www.podkrepa.org>

#### **Employers and employer bodies**

**Bulgarian Industrial Association** a non-profit making association, non-governmental organization of the Bulgarian industry, established on 25 April 1980. The membership of the Association involves 87 branch (sector) organizations, 26 regional organizations and 58 local

bodies, the Bulgarian Academy of Sciences, universities and scientific and technical unions, the Central Cooperative Union, over 15 000 commercial companies, out of which 263 are among the largest 300 companies in Bulgaria. <http://www.bia-bg.com/>

**The Bulgarian Industrial Capital Association (BICA)** was founded in 1996. In 2004, with a Decision of the Bulgarian Council of Ministers, it was approved as officially acknowledged national employers' representative organisation. <http://www.bica-bg.org/>

**The Employers' Association of Bulgaria (EABG)** is the umbrella organization of the major Bulgarian private companies with more than 100 employees. At present the members of the EABG are more than 90 (branch organizations, holding groups and individual companies). <http://www.eabg.org/>

**The Bulgarian Chamber of Commerce and Industry** is an independent association whose purpose is to support, promote, represent and protect the business activities of its members, as well as to contribute to the European and international integration of the Republic of Bulgaria. <http://www.bcci.bg/>

## NGOs

**Gender Project for Bulgaria Foundation.** GPBF runs the Program: "Women and the Economy" which aims mainly at unemployed women and the discriminating conditions on the labour market. Target groups are unemployed women registered in labour offices and women with businesses of their own willing to export their products. The goals of the program are to encourage unemployed women to start up a business of their own; women entrepreneurs acquire additional skills to study the export environment for their products. [http://www.gender-bg.org/en/programa\\_geni.html](http://www.gender-bg.org/en/programa_geni.html)

**Women's Alliance for Development.** In the recent years, the WAD carried out projects in the field of the women's issues and labour market. [http://www.women-bg.org/index\\_en.html](http://www.women-bg.org/index_en.html)

**Centre of Women's Studies and Policies.** The Program of CWSP on Women in the Economic Development is mainly focused on research, surveys and analyses as well as the training of women in entrepreneurial skills.

<http://www.cwsp.bg/htmls/page.php?category=431>

**Bulgarian Gender Research Foundation.** <http://www.bgrf.org/en/projects/socialrights>

## International influences

**European Commission. Employment, Social Affairs & Equal Opportunities. Gender Equality.** [http://ec.europa.eu/employment\\_social/gender\\_equality/index\\_en.html](http://ec.europa.eu/employment_social/gender_equality/index_en.html)

European Social Fund. [http://ec.europa.eu/employment\\_social/esf/index\\_en.htm](http://ec.europa.eu/employment_social/esf/index_en.htm)

**European Commission. Directorate General for Regional Policy.** ERDF resources are mainly used to co-finance: productive investment leading to the creation or maintenance of jobs; infrastructure; local development initiatives and the business activities of small and

medium-sized enterprises.

[http://ec.europa.eu/regional\\_policy/atlas2007/bulgaria/index\\_en.htm](http://ec.europa.eu/regional_policy/atlas2007/bulgaria/index_en.htm)

**European Regional Development Fund.**

[http://ec.europa.eu/regional\\_policy/funds/prord/prord\\_en.htm](http://ec.europa.eu/regional_policy/funds/prord/prord_en.htm)

**European Social Fund.** [http://ec.europa.eu/regional\\_policy/funds/procf/cf\\_en.htm](http://ec.europa.eu/regional_policy/funds/procf/cf_en.htm)

**European Foundation for the Improvement of Living and Working Conditions.**

<http://www.eurofound.europa.eu/bycountry/bulgaria.htm>

**International Labour Organisation.** <http://www.ilo.org/global/Regions/Europe/lang-en/index.htm>

**The Committee on Economic, Social and Cultural Rights (CESCR)**

<http://www.ohchr.org/english/bodies/cescr/index.htm>

### 3. Timeline of policy debates and decision making on issues related to non-employment, 1995-2007: BULGARIA

1995-1996

#### Reconciliation of work and family life

The National Council on Social and Demographic Issues, responsible for the state gender equality policy, with the Council of Ministers on 2 July 1996 adopted the National Action Plan to implement the commitments of the Republic of Bulgaria undertaken at the UN Fourth World Conference on Women, Beijing, 1995. In Section C of the National Plan: "Equal access of women to the political, economic and social life in Bulgaria", the long-term tasks envisaged the creation of conditions for equal opportunities for spouses in the family, and supporting the active participation of women in social life and government; as regards mid-term tasks, conducting systematic research evaluating the relationship between the high work load of women, patterns of their fertility behaviour and their role as "mentors of young generation"<sup>35</sup>. In Section D of the Plan, the need for the introduction of special measures for combining labour activity and maternity and stimulating "flexible forms of employment and social services" was mentioned. Primary sources:

- National Action Plan In implementation of the commitments of the Republic of Bulgaria undertaken at the UN Fourth World Conference on Women, Beijing, 1995.) BG/EN. (20 pages). <<http://www.un.org/documents/ga/conf177/natrep/nap1996-bulgaria.htm>>

#### Equal pay

In 1996, the Council of Ministers adopted the Decree No. 68: "This Decree provides for equal wages for all posts of the same level in sectors in which wages are determined by the State. Cabinet Decrees Nos. 68/1996."<sup>36</sup>

Primary sources:

- Decree No. 68 of 1996 of Council of Ministers

#### Tax-Benefit Policies

In the adopted National Action Plan, Section B "Ensuring the rights of women in the sphere of labour, social security and social assistance" envisaged policy reforms in the field of benefit policies. The mid-term tasks for achieving these goals included the submission of the new Bill on support to families and children, Bill on health insurance, and Bill on pensions to the National Assembly.

Source:

- National Action Plan In implementation of the commitments of the Republic of

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35 National Action Plan In implementation of the commitments of the Republic of Bulgaria undertaken at the UN Fourth World Conference on Women, Beijing, 1995.) BG/EN. (20 pages). <<http://www.un.org/documents/ga/conf177/natrep/nap1996-bulgaria.htm>>

36 [http://www.ilo.org/public/english/employment/gems/eeo/law/bulgaria/l\\_cmdb.htm](http://www.ilo.org/public/english/employment/gems/eeo/law/bulgaria/l_cmdb.htm)

Bulgaria undertaken at the UN Fourth World Conference on Women, Beijing, 1995.) BG/EN. (20 pages). <<http://www.un.org/documents/ga/conf177/natrep/nap1996-bulgaria.htm>>

#### *Health insurance/medical care*

In 1996, the process of regulation of the institutional structures of public health in the non-hospital medical care began. On 16 February 1996, Decree No. 3 was adopted, providing for conditions and procedures of medical care in public medical institutions (inter alia, polyclinics, dispensaries and local medical centres) and defining the types of medical assistance granted.

Primary sources:

- Decree No. 3 of 16 February 1996 on the organization of non-hospital medical care for the population

#### *Unemployment benefit*

On 31 May, 1996, the Council of Ministers adopted the regulations on social assistance and on the establishment of supplement to monetary compensation, social and monetary assistance in the event of unemployment.

Source:

- Decree No. 119 of 31 May 1996 to adopt the Regulations on social assistance. D'rzhaven Vestnik, 1996-06-14, No. 51, pp. 4-12.
- Regulations No. 172 of 1 September 1995 on the establishment of supplement to monetary compensation, social and monetary assistance in the event of unemployment. (Text No. 59192) Durzhaven Vestnik, 1995-09-08, No. 80, p. 16

In 1996, the International Labour Organisation published CEACR Individual Observation on the subject of equality of opportunity and treatment of women and asked the government for information on the implementation of the legislation regulating the unemployment compensation and on the national programme "From social assistance to employment" aimed at reducing the number of persons receiving social assistance.

The government had to present a report on the programme implementation. This programme was one of the first attempts at transforming the policy from providing assistance (mostly unemployment benefits) to a policy providing qualification and re-training courses for the re-integration of unemployed persons to the labour market.

Source:

- CEACR: Individual Observation concerning Convention No. 111, Discrimination (Employment and Occupation), 1958 Bulgaria (ratification: 1960) Published: 1996. (ilolex): 061996BGR1112.

#### *Pensions*

In the pension system, the Decree No. 116 of 29 May 1996 "provided for procedure and means of pension payment (deadlines and conditions of payment, payment to a person living abroad and payment of various supplements)". Decree No. 280 of 26 November 1996

amended and supplemented the Regulations on the application of Part III of the Labour Code (1951) and amended the Regulations on the application of the Pensions Act of 1958.

Primary sources:

- Decree No. 116 of 29 May 1996 to adopt the Decree on payment of pensions. D'rzhaven Vestnik, 1996-06-07, No. 49, pp. 2-13.
- Decree No. 280 of 26 November 1996 to amend and supplement the Regulations on the application of Part III of the Labour Code (1951) and to amend the Regulations on the application of the Pensions Act of 1958. D'rzhaven Vestnik, 1996-12-03, No. 103, pp. 5-6.

### **Access to the Labour Market**

In 1995, the state policy on promotion of employment made an effort to establish a special fund for the promotion of enterprise creation by young persons. Young persons were defined as "groups at risk of unemployment". The Ordinance No. 15 provided the structure of the institution and its funding.

*The National Programme for Social Development* was adopted in 1996. During its preparation, discussion and adoption, the government representatives, trade unions, employers' and employee organisations, and experts actively participated. "The Programme foresees measures for reducing poverty, achieving higher employment and lower unemployment, and for the social integration and re-integration of those groups in a position of inequality, paying special attention to women"<sup>37</sup>.

Source:

- The National Programme for Social Development. 1996.

Secondary sources:

- International Helsinki Federation. 2000. Women 2000 - An investigation into the status of women's rights in Central and South-Eastern Europe and the Newly Independent States.

[http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=1458](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=1458)

## **1997**

### **Reconciliation of work and family life**

The Act on the Protection against Unemployment and Employment Promotion was adopted in 1997. It enabled unemployed persons to work at reduced hours and receive 50 percent of their unemployment benefit, at a level less than or equal to the legally specified minimal salary. "The economic situation in Bulgaria has necessitated a legally approved possibility for *additional* or *second employment*, enabling parents to contribute more to the family

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37 International Helsinki Federation. 2000. Women 2000 - An investigation into the status of women's rights in Central and South-Eastern Europe and the Newly Independent States.[http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=1458](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=1458)

budget”<sup>38</sup>.

Sources:

- Act of 2 December 1997 on protection in the event of unemployment and promotion of employment (last amended in 2002). D'rzhaven Vestnik, 1997-12-16, No. 120, pp. 1-19
- Decree No. 243 of 5 November 1998 on the adoption of the Rules implementing the Act on social assistance (last amended in 2002).

Secondary sources:

- Open Society Institute. 2002. Equal Opportunities for Women and Men in Bulgaria. EN <http://www.eonet.ro/pdf/Bulgaria.pdf>

### **Equal pay**

In 1997, The Council of Ministers adopted a Decree No 36 which provided for equal wages for all posts of the same level.

Source:

- Decree No 36 of 1997 of Council of Ministers

### **Tax/benefit policies**

#### *Social assistance policies*

In the field of social policy and issues of social assistance, the National Social Assistance Service at the Ministry of Labour and Social Policy was established as a public consultative body. Representatives from the Ministry of Health, Ministry of Finance, Ministry of Science and Education and Ministry of Regional Development, National Association of Municipalities, Employers' and Employee Associations and human rights NGOs attended the Service meetings.

A number of Regulations were adopted with the newly introduced system of social assistance. Decree No. 1 of 11 February 1997 on conditions and means of granting special social assistance to families with low income and in social institutions provided for in the Programme of urgent social assistance. It “provides for forms and conditions of social assistance, and control procedure. Annexed is a list of illnesses giving right to financial assistance for transportation of disabled persons.” Regulations on social assistance which: “Provides for assistance to persons and families in need. Sets forth conditions and forms of assistance, granting and withdrawal of assistance, financing and control”. The Decree No. 2 of 6 November 1997 set the conditions and procedure for the granting of social assistance to persons and families with low income and to social and educational institutions from the budget allocated for in the Programme B/-5000 of the European Council for urgent social assistance of the Republic of Bulgaria.

Primary sources:

- Decree No. 1. 1997-02-25, No. 17, pp. 16-18

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38 Open Society Institute. 2002. Equal Opportunities for Women and Men in Bulgaria. EN <http://www.eonet.ro/pdf/Bulgaria.pdf>

- Regulations of 27 October 1997 on social assistance. 1997-10-31, No. 100, pp. 15-22
- Ministerial Decree No. 2 1997-12-05, No. 115, pp. 15-19

#### *Medical care reforms*

The National Health Insurance Fund (NHIF) which introduces the mandatory health insurance and regulates the supplementary health insurance was founded on 15 March 1999 as an independent public institution separated from the structure of the social healthcare system with its own bodies of management. Regulations on the organization and activities of the Regional centre for health care provided for tasks and functions of the Centre and for its management and financing.

Sources:

- Regulations on the organization and activities of the Regional centre for health care. D'rzhaven Vestnik, 1997-08-12, No. 65, pp. 2-4
- Decree No. 240 of 23 October 1998 on structural changes in the system of health care. D'rzhaven Vestnik, 1998-10-28, No. 125, pp. 9-11

### **Tax-Benefits Policies**

#### *Unemployment benefits*

Ordinance No. 153 of 14 April 1997 amended and supplemented normative acts of the Council of Ministers on employment and unemployment. It amended provisions on conditions of granting and payment of unemployment benefit for long-term unemployment and also provisions for the Fund for "Professional qualification and unemployment".

Primary sources:

- Ordinance No. 153 of 14 April 1997 to amend and supplement normative acts of the Council of Ministers on employment and unemployment. D'rzhaven Vestnik, 1997-04-18, No. 32, pp. 1-4
- Ordinance No. 331 of 18 August 1997 to amend and supplement normative acts of the Council of Ministers on employment and unemployment. D'rzhaven Vestnik, 1997-08-22, No. 70, pp. 11-13.

### **Access to labour market**

In the Unemployment Protection and Employment Promotion Act, Article 2 stated: "there must be no discrimination, notably on the basis of sex, in pursuit of the rights and obligations provided for under the Act." Chapter Six of the Act underlines that "the citizens - hence, without any distinction based on gender - have the right to professional training". The Act envisaged the legal framework for establishment of the Professional Training and Unemployment Fund and the National Employment Service for the implementation of the policy of employment incentives, organising professional training and retraining and unemployment protection.<sup>39</sup>

Sources:

- Decree No. 3 of 22 April 1997 on management and control of the activities of the National employment service by the Ministry of Labour and Social Policy. D'rzhaven

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39 [http://www.ilo.org/public/english/employment/gems/eeo/law/bulgaria/l\\_upepab.htm](http://www.ilo.org/public/english/employment/gems/eeo/law/bulgaria/l_upepab.htm)

Vestnik, 1997-09-09, No. 77, p. 11.

- Regulations No. 369 of 9 October 1997 to approve the Order on the constitution and use of funds of the Professional qualification and unemployment Fund. D'rzhaven Vestnik, 1997-10-17, No. 94, pp. 2-4, ISSN: 0205-0900

## 1998

### **Tax/benefits policies**

On May, 1988, the Act on social assistance was adopted. The Law regulated the newly introduced Social Assistance Service, the criteria for persons and family in need, according to age, health condition, family status, etc. The Act created conditions for more effective social support of old people, orphans and single mothers.

Primary sources:

- Act of 7 May 1998 on social assistance. D'rzhaven Vestnik, 1998-05-19, No. 56, pp. 1-5. Act in Bulgarian (consolidated periodically), See under 3, Ministry of Labour and Social Policy, Bulgaria (consulted on 2006-12-11).
- Decree No. 243 of 5 November 1998 on the adoption of the Rules implementing the Act on social assistance (last amended in 2002). D'rzhaven Vestnik, 1998-11-11, No. 133, pp. 32-42

### *Unemployment benefits and employment promotion*

Decree No. 152 of 6 July 1998 provides, inter alia, for the assistance granted in the event of unemployment, special programmes for the promotion of employment, and vocational training.

Primary source:

- Decree No. 152 of 6 July 1998 adopting the Rules to implement the Act on protection in the event of unemployment and promotion of employment (last amended in 2001). D'rzhaven Vestnik, 1998-07-15, No. 81, pp. 27-38.

### *Medical care*

Act of 4 June 1998 on Health Insurance provided for compulsory and voluntary insurance, competencies of the National Insurance Fund, insured persons and their rights and obligations, contributions, monitoring procedures and disputes settlement.

Sources:

- Health Insurance Act as amended. D'rzhaven Vestnik, 1998-06-19, No. 70, pp. 1-15.

### **Equal pay**

In 1998, 94.6% of women worked in the public sector where the wages are lower; compared to men in the public sector women received 68% lower wages.

In 1998 a Decree No 14 providing for equal wages for all posts of the same level was adopted by the Council of Ministers.

Source:

- Decree No 14/1998 of the Council of Ministers

## 1999

### *Social assistance and social services*

In 1999 the government declared it will take future measures for providing adequate social services for children and elderly people with disabilities and their families<sup>40</sup>. On March 16, Decree No. 4 on conditions and means of implementation of social services, their organization of activities and types of services was adopted.

Primary sources:

- Decree No. 4 of 16 March 1999 on conditions and means of implementation of social services. *D'rzhaven Vestnik*, 1999-03-30, No. 29, pp. 26-32.

Secondary sources:

- 1999. National Report on the Implementation of the Copenhagen Decisions '95 [http://212.122.160.99/old/bg/oficial\\_docs/Reports/sosialen\\_doklad\\_bg.html](http://212.122.160.99/old/bg/oficial_docs/Reports/sosialen_doklad_bg.html) (22 pages)

### **Tax/benefits policies**

#### *Medical care*

Decree No. 206 approved the access for beneficiaries of health insurance to medical establishments for external and clinical assistance. Also, the Decree of 30 December 1999 regulated the elements for compensation and wages from which contributions are deduced, and on calculation of financial compensation for temporary work disablement or pregnancy and birth.

Sources:

- Decree No. 206 of 17 November 1999. *D'rzhvan Vestnik*, 1999-11-23, No. 101, pp. 1-3. Date of entry into force: 2001-01-01. section 14
- Decree of 30 December 1999. *D'rzhaven Vestnik*, 2000-01-21, No. 6, pp. 2-4  
Date of entry into force: 2000-01-01.

#### *Pensions*

Act of 7 July 1999 on complementary voluntary pension insurance (last amended in 2000) provides, inter alia, for management and organization of pension funds, contributions, and rights of the insured persons.

Source:

- Act of 7 July 1999 on complementary voluntary pension insurance (last amended in 2000). *D'rzhaven Vestnik*, 1999-07-20, No. 65, pp. 1-14.

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40 1999. National Report on the Implementation of the Copenhagen Decisions'95 [http://212.122.160.99/old/bg/oficial\\_docs/Reports/sosialen\\_doklad\\_bg.html](http://212.122.160.99/old/bg/oficial_docs/Reports/sosialen_doklad_bg.html)

### *Issue of women in poverty and social inclusion*

The Bulgarian National Report on social development and the Implementation of the Copenhagen Decisions '95 featured a number of further measures in the area of social inclusion and employment. The document was one of the few available reports on the implementation of activities of the authorities at the executive level. It reported the outcomes of the projects funded by the European Union and the UN. The government recognised the important role of the International Labour Organization in the consulting process of conducting the projects aimed at reducing poverty among those groups disadvantaged by the economic transition, especially women.

Source:

- 1999. National Report on social development and the Implementation of the Copenhagen Decisions '95  
[http://212.122.160.99/old/bg/oficial\\_docs/Reports/sosialen\\_doklad\\_bg.html](http://212.122.160.99/old/bg/oficial_docs/Reports/sosialen_doklad_bg.html) (22 pages)

## **2000**

### **Tax/Benefit Policies**

#### *Maternity paid leave.*

In 2000, Bulgaria adopted a new Compulsory Social Security Code, which regulates the provision of social security compensations in case of maternity leave. Pregnant women and mothers were among the categories of employees who are entitled to an extended annual paid leave.

Primary sources:

- Compulsory Social Security Code 2000

Secondary sources:

- The New Social Security Code – Winners and Failures Groups. The Bulgarian case. [unpan1.un.org/intradoc/groups/public/documents/NISPAcee/UNPAN005649.pdf](http://unpan1.un.org/intradoc/groups/public/documents/NISPAcee/UNPAN005649.pdf)

#### *Pensions*

A new order on pensions was approved by Decree No. 30 of the Council of Ministers of 10 March 2000 (last amended in 2002). It contains provisions on granting of pensions, old-age, disability, calculation of pension qualifying period and pensions payment.

Primary source:

- Order on pensions, approved by Decree No. 30 of the Council of Ministers of 10 March 2000 (last amended in 2002). D'rzhaven Vestnik, 2000-03-17, No. 21, pp. 10-25. Date of entry into force: 2000-01-01.

Secondary sources:

- Gender Dimension of the Pension Reform in Bulgaria. [www.ilo.org/public/english/region/eurpro/budapest/download/socsec/gender\\_pension\\_bulgaria\\_eng.pdf](http://www.ilo.org/public/english/region/eurpro/budapest/download/socsec/gender_pension_bulgaria_eng.pdf)

### *Medical care*

After the introduction of the new principles of social security in Bulgaria, the health security system was not included in the legislation for compulsory social security. The alternative report made by the Bulgarian Gender Research Foundation in 1999 stated that “implementation of the health insurance system and the restructuring and privatization of medical institutions had been postponed to July 2000 and that, in the meantime, health services would continue to deteriorate and the shortage of medicines and medical equipment would become worse.” The issue was discussed at the 31<sup>st</sup> meeting of the Committee on Economic, Social and Cultural Rights.

Source:

- Summary record of the 31st meeting: Bulgaria. 29/11/99. E/C.12/1999/SR.31.(Summary Record). Convention Abbreviation: CESCR. COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS. [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1999.SR.31.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1999.SR.31.En?Opendocument)

### **Access to the labour market**

“The research report of the Bulgarian Gender Research Foundation ”Impact of Privatisation on women in the period of Economic transition” provides evidence that cases of discrimination against women exist as some employers prefer to fill vacancies with men or with very young women with no family responsibilities. Age discrimination is an obstacle and women over 40 were identified among the most vulnerable groups of women during the transition. The research showed that the hiring process, which is not legally regulated, is very discriminatory towards women, who are asked questions about their family and personal life much more often than men. In addition, decisions are often made to the detriment of women, not on the ground of professional skills but on the basis of family status.”<sup>41</sup>

## **2001**

### **Reconciliation of work and family life**

After developing the first ever draft Act on Equal Opportunities of Women and Men in 2001, the Ministry of Labour and Social Policy was entrusted with developing the gender equality policies. The issue of equal opportunities was integrated in employment promotion policies. At the end of the year, the Act on Employment Promotion was adopted along with the Action Plan. According to the Act: “the programmes and measures for combining work activity with family life must be developed”. Such measures include “the creation, application and promotion of family-oriented policies and holiday schemes for parents and other workers, incentives for employers to adopt *flexible labour arrangements*”<sup>42</sup> “Article 53 of the Act on Employment Promotion grants advantages for employers who hire single mothers and

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41 International Helsinki Federation. 2000. Women 2000 - An investigation into the status of women's rights in Central and South-Eastern Europe and the Newly Independent States. [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=1458](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=1458)

42 2002. Open Society Institute. Monitoring the EU Accession Process: Equal Opportunities for Women and Men. <http://www.eonet.ro/pdf/Bulgaria.pdf>

mothers with children up to three years, with no mention of fathers who could be in the same position. This risks further reinforcing prejudices and making fathers even more reluctant to take advantage of the right to child-care leave.”<sup>43</sup> The analysis of the current trend in policies of equal opportunities noted the fact that: “the important provision for *part-time work* was not reproduced in the new Act”<sup>44</sup>.

Sources:

- Employment Promotion Act of 20 December 2001, as amended. D'rzhaven Vestnik, 2001-12-29, No. 112, pp. 2-16. Date of entry into force: 2002-01-01.

Secondary sources:

- 2002. Open Society Institute. Monitoring the EU Accession Process: Equal Opportunities for Women and Men. <http://www.eonet.ro/pdf/Bulgaria.pdf>
- Beleva, Iskra and Vasil Tzanov. 2001. Labour market flexibility and employment security – Bulgaria. International Labour Office, Geneva, 2001. <http://www.ilo.org/public/english/employment/strat/download/ep30.pdf>

### **The Labour Code amendments in 2001**

The Council of Ministers prepared the Draft Law on the amendments to the Labour Code which was submitted to the National Assembly on June, 22 2000. The amendments were adopted in 2001. The principle of **equal pay for women and men** was introduced with the amendments, establishing the legal grounds on which to bring a claim of discrimination in the field and complying with Article 3 of Directive 75/117/EEC. The Code also contained amendments concerning the protection of women's jobs during their *maternity leave*.

Primary sources:

- 2001. The amendments to the Labour Code. [http://www.az.government.bg/Legislation/frame\\_KT.htm](http://www.az.government.bg/Legislation/frame_KT.htm)

### **Equal pay**

In its Individual Observation concerning Convention No. 100 for Equal Remuneration, The CEACR at the International Labour Organization noted the amendments to the Labour Code in 2001, and in particular, the new Article 243, containing the "right to equal remuneration for the same or equivalent work": “The Committee expresses its concern over the adoption of this restricted approach in legislation. It must underscore the importance of ensuring that women who undertake different work from men but work that is of equal value, based on objective job appraisals using criteria, such as responsibility, skill, effort and working conditions, be paid equal remuneration.”<sup>45</sup>

Sources:

- ILO. CEACR: Individual Observation concerning Convention No. 100, Equal

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43 2002. Open Society Institute. Monitoring the EU Accession Process: Equal Opportunities for Women and Men. <http://www.eonet.ro/pdf/Bulgaria.pdf>

44 2002. Open Society Institute. Monitoring the EU Accession Process: Equal Opportunities for Women and Men. <http://www.eonet.ro/pdf/Bulgaria.pdf>

45 CEACR: Individual Observation concerning Convention No. 100, Equal Remuneration, 1951 Bulgaria (ratification: 1955) Published: 2003. Document No. (ilolex): 062003BGR100

Remuneration, 1951 Bulgaria (ratification: 1955) Published: 2003. Document No. (ilolex): 062003BGR100. <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=6833&chapter=6&query=Bulgaria%40ref&highlight=&querytype=bool>

### **Access to the labour market**

“In order to fulfil the commitments Bulgaria undertook in the accession negotiations, it had to make further amendments to the Labour Code in order to ensure its compliance with the EU Directives”.<sup>46</sup> “The primary aim of the law was to introduce some of the European Union’s regulations in the major areas of employment relations”.<sup>47</sup> The adopted Act on Employment Promotion provides for the financing of active employment policy, employment promotion and protection, especially for the youth. The envisaged measures included vocational training, employment of Bulgarian citizens abroad and of foreigners in Bulgaria.

Sources:

- Draft of the Employment Promotion Act (2002-2006). 07.10.2001 (28 pages) <http://www.parliament.bg/bills/39/102-01-20.pdf>
- Discussions in the Committee on Labour Issues. Records. 10-11. 2001
- First reading at the plenary session. Records. 21.11.2001
- Adoption of the Law. Records. 20.12. 2001
- Decree No. 57 of the Council of Ministers to adopt the Regulations on the application of the Employment Promotion Act. Durzhaven Vestnik, 2002-03-19, No. 28, pp. 22-37. Date of entry into force: 2002-03-19

Secondary source:

- Dimitrova, Raina and Peter Petrov. 2002. Major changes to Bulgaria’s employment laws [http://www.sofiaecho.com/article/major-changes-to-bulgarias-employment-laws/id\\_4061/catid\\_23](http://www.sofiaecho.com/article/major-changes-to-bulgarias-employment-laws/id_4061/catid_23)

In July, 2001 an inter-ministerial conference on accession to the European Union discussed the Bulgarian position on Chapter 13 “Social policy and employment”. The position outlined the positive changes in the policies of equal treatment of women and men, which were also confirmed by the regular report on Bulgaria’s progress towards accession in 2001. The report acknowledged the active employment policy of the government and made a note that the adopted National Action Plan on Employment in 2001 “was based on the four pillars and the guidelines of the European Employment Strategy”<sup>48</sup>. Despite the adopted National Plan and the Strategy for equal opportunities of People with Disabilities, the report concluded that access to the labour market remains difficult not only for them, but also for ethnic minorities

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46 Open Society Institute. 2005. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York: OSI. [http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502/](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/) (accessed 20 March, 2007)

47 14.03.2002. *Major changes to Bulgaria’s employment laws*, by Raina Dimitrova and Peter Petrov: [http://www.sofiaecho.com/article/major-changes-to-bulgarias-employment-laws/id\\_4061/catid\\_23](http://www.sofiaecho.com/article/major-changes-to-bulgarias-employment-laws/id_4061/catid_23)

48 Regular Report from the Commission on Bulgaria’s Progress towards Accession (SEC(2001) 1744):61.

and young people<sup>49</sup>.

Primary sources:

- Negotiating position on Chapter 13. “Social Policy and Employment”. CONF-BG 38/01 [http://europa.bg/upload/docs/Bulgaria\\_13.pdf](http://europa.bg/upload/docs/Bulgaria_13.pdf)
- Regular Report from the Commission on Bulgaria’s Progress towards Accession (SEC(2001) 1744) (1.2. Human rights and protection of minorities (p. 20-26); Chapter 13. Social Policy and Employment (p. 59-63) [http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2001/bulgaria\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/bulgaria_en.pdf)

Secondary sources:

- National Strategy for Equal Opportunities of People with Disabilities 2001. [http://www.enothe.hva.nl/projects/docs/fpypdee\\_national\\_strategy\\_of\\_bulgaria\\_about\\_equal\\_opportunities.pdf](http://www.enothe.hva.nl/projects/docs/fpypdee_national_strategy_of_bulgaria_about_equal_opportunities.pdf)
- Action Plan for Employment of People with Disabilities. 2001 <http://www.mlsp.government.bg/bg/docs/program/plan.doc>

#### *Re-training programmes and measures for employment promotion*

Along with the Act on Employment Promotion, the National Action Plan for 2001 was elaborated and adopted. It aimed to offer professional training for 50,000 unemployed persons, largely women seeking work after maternity or childcare leave, who require re-training to meet the new demands of the labour market. The training also aimed at helping such persons to start their own businesses.

Primary sources:

- National Action Plan for Employment for 2001. [http://www2.ilo.org/public/english/employment/skills/hrdr/init/bul\\_1.htm](http://www2.ilo.org/public/english/employment/skills/hrdr/init/bul_1.htm)

## 2002

### **Reconciliation of work and family life**

In 2002 the Women's Alliance for Development conducted a research project “Bulgaria: Gender Aspects of Poverty and Inequality in the Family and the Labour Market (Research and Policy Recommendations)”. It was commissioned by the World Bank and implemented by three organizations – Agency of Social Analyses (ASA), Gender Project for Bulgaria Foundation and Women's Alliance for Development. It was a national research on the economic opportunities and social situation of women and men in Bulgaria. The survey registered a strong prevalence of women over men in the sphere of “unpaid household work”.

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49 Regular Report from the Commission on Bulgaria’s Progress towards Accession (SEC(2001) 1744):62

Source:

- "Bulgaria: Gender Aspects of Poverty and Inequality in the Family and the Labour Market" [http://www.asa-bg.netfirms.com/present\\_gender.htm](http://www.asa-bg.netfirms.com/present_gender.htm)

## **Tax/benefit policies**

### *Family benefits for children*

The important changes in legislation, objects of intensive debates on the state policy on family benefits for children, were made in 2001-2002. Draft Laws on Family Profits submitted by the right and left wing parties in the Bulgarian Parliament were rejected in 2001. The alternative Draft Law of the Council of Ministers was adopted. The new Law repealed the old Decree on Birth Promotion (1968, 1990, 1993). It provided for the conditions and procedures for the payment of allowances (child birth, monthly allowances for children under 18 years of age and for the care of children under 1 year of age) and designed the bodies responsible for the implementation of the Act.

Sources:

- Draft Law on Family Benefits for Children submitted by the United Democratic Forces in 2001. 07 ноември 2001 (rejected). <http://www.parliament.bg/bills/39/102-01-20.pdf>
- Draft Law on Family Benefits submitted by the Bulgarian Socialist Party. 28.11.2001. (rejected). <http://www.parliament.bg/bills/39/102-01-20.pdf>
- Draft Law on Family Benefits submitted by the Council of Ministers. 20.12.2001 (adopted) <http://www.parliament.bg/bills/39/102-01-42.pdf>
- Debates on adoption the Draft Law on Family Benefits. 14.2.2002.
- Act of 20 March 2002 on Family Benefits. Durzhaven Vestnik, 2002-03-29, No. 32, pp. 2-5. Act in Bulgarian (consolidated periodically), See under 4, Ministry of Labour and Social Policy, Bulgaria (consulted on 2006-12-11).
- Decree No. 139 of 2002 to adopt the Regulations for the application of the Act on Family Benefits. Durzhaven Vestnik, 2002-07-12, No. 67, pp.31-36

## **Access to the labour market**

As noted in the regular report on progress towards accession in 2002, "Bulgaria and the European Commission have continued the work on the Employment Policy Review, with a view to finalising the Joint Assessment on Employment Policy Priorities (JAP)"<sup>50</sup>. On 29 October 2002, The Ministry of Labour and Social Policy published a Joint Assessment of Employment Priorities in Bulgaria. The document presented "an agreed set of employment and labour market objectives necessary to advance the country's labour market transformation, to make progress in adapting the employment system so as to be able to implement the Employment Strategy and to prepare it for accession to the European Union. Progress in the implementation of these policies will be assessed regularly"<sup>51</sup>.

Sources:

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50 Regular Report from the Commission on Bulgaria's Progress towards Accession {COM(2002) 700 final} (Brussels, 9.10.2002 SEC(2002) 1400): 80.

51 2002. Joint Assessment of Employment Priorities in Bulgaria. [http://ec.europa.eu/employment\\_social/employment\\_analysis/japs/bulgaria\\_en.pdf](http://ec.europa.eu/employment_social/employment_analysis/japs/bulgaria_en.pdf)

- Joint Assessment of Employment Priorities in Bulgaria [http://ec.europa.eu/employment\\_social/employment\\_analysis/japs/bulgaria\\_en.pdf](http://ec.europa.eu/employment_social/employment_analysis/japs/bulgaria_en.pdf)
- Regular Report from the Commission on Bulgaria's Progress towards Accession {COM(2002) 700 final} (Brussels, 9.10.2002 SEC(2002) 1400). [http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2002/bulgaria\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2002/bulgaria_en.pdf)

## 2003

### Reconciliation of work and family life

The Employment Strategy for 2004–2010 adopted in 2003 elaborated “a strategy for making possible the reconciliation of work and family life, which should include an introduction of parental leave for children up to the age of seven; introducing more flexible employment forms for mothers with children up to seven years old, according 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.”<sup>52</sup>

Primary source:

- National Employment Strategy (2004-2010). <http://www.mlsp.government.bg/en/docs/strategy/index.htm>

Secondary source:

- 2005. Open Society Institute. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York: OSI. [http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502)

### Care work

#### *Social services for children*

Numerous changes for the legal provisions for social services were made with the adoption of the Decree No. 89 of 18 April 2003. In November 2003, the Decree on criteria and standards of social services for children was adopted.

Sources:

- Decree No. 89 of 18 April 2003 to amend and supplement the Rules implementing the Act on social assistance (adopted by Decree No. 243 of the Council of Ministers of 1998). D'rzhaven Vestnik, 2003-04-29, No. 40, pp. 1-12.
- Decree No. 256 of 7 November 2003 for the application of the Decree on criteria and standards of social services for children. D'rzhaven Vestnik, 2003-11-21, No. 102, pp. 21-38.

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<sup>52</sup> 2005. Open Society Institute. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York:OSI. [http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502)

## **Tax-Benefits Policies**

### *Pension reform*

From 2000 the process of reforming the pension system in Bulgaria started. In July 2003, a new unified Social Insurance Code was adopted. "Debate over the new unified Social Insurance Code was difficult and complex and lasted for 22 months. During the discussions, major differences emerged between the positions of participants in the process. A number of old conflicts were renewed and new ones arose: between the representative trade unions and employers' organisations; between the private pension insurance funds and the Ministry of Labour and Social Policy (MLSP); among pension funds themselves (especially between smaller and larger ones); and among the various parliamentary parties, which introduced a political element into the pension reform debate. A final conflict came when the President of the Republic vetoed some paragraphs of the new Social Insurance Code. When the Code was again referred to parliament, the veto was over-ruled by a considerable majority of MPs - 154 out of 240. Their conclusion was that the changes to the social insurance were to the benefit of insured people and future pensioners. Finally, at the end of July 2003 the new Code was agreed and approved".<sup>53</sup>

Source:

- Neykov, Ivan. 21-10-2003. Balkan Institute for Labour and Social Policy Pension reform continues  
<http://www.eurofound.europa.eu/eiro/2003/08/feature/bg0308101f.html>

### *Social assistance*

The amendments to the Bulgarian Social Assistance Act were published on 29 of December 2002 and entered into force on January 2003. These amendments established the new Agency on Social Assistance which replaced the National Social Assistance Service.

Sources:

- Decree No. 90 to supplement the Rules to implement the Social Assistance Act. Durzhaven Vestnik, 2002-05-07, No. 46, p. 31.
- Act of 21 of December 2002 to amend and supplement the Act on social assistance. D'zhaven Vestnik, 2002-12-19, No. 120, pp. 34-39.

## **Access to the labour market**

### *National action plan on employment 2003*

The National Action Plan on Employment for 2003 included a Section on Equal Opportunities of Women and Men. Decree No. 131 defines the status and functions of organs in charge of employment, conditions for the realization of the National Plan of Action for Employment, rights and obligations of persons looking for employment and of employers, procedure of information in the event of massive dismissals, mediation services, programmes for employment and vocational training.

Primary sources:

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<sup>53</sup> 21-10-2003. Ivan Neykov, Balkan Institute for Labour and Social Policy Pension reform continues.  
<http://www.eurofound.europa.eu/eiro/2003/08/feature/bg0308101f.html>

- National Action Plan on Employment 2003
- Decree No. 131 of 19 June 2003 for the adoption of the Decree of application of the Employment Promotion Act. D'rzhaven Vestnik, 2003-06-27, No. 58, pp. 69-80. Date of entry into force: 2003-06-27.

#### *Employment strategy 2004-2010*

In November 2003, the Bulgarian government adopted the employment strategy, covering the period 2004-2010. The strategy was prepared by a working group of representatives of the government and social partners, focusing on solving the problems of low employment, high unemployment and negative demographic trends. "The strategy is regarded as consistent with the EU's European employment strategy"<sup>54</sup>.

Primary source:

- National Employment Strategy (2004-2010).  
<http://www.mlsp.government.bg/en/docs/strategy/index.htm>

Secondary Sources:

- 03-12-2003. Arsov, Bozhidar. Government adopts employment strategy.  
<http://www.eurofound.europa.eu/eiro/2003/11/feature/bg0311203f.html>
- Marinova, Jivka, and Mariya Gencheva, eds. Bulgarian Gender Research Foundation. 2003. *Gender assessment of the impact of EU accession on the status of women in the labour market in CEE. National study: Bulgaria*. Sofia.  
<http://karat.org/documents/Kniga1.pdf>

#### *Social inclusion*

In 2003, poverty continued to be a major problem in Bulgaria. In October, 2003 the government prepared a new social strategy, covering the period 2003-2006. "The strategy was subject to tripartite discussions before adoption, and trade unions have made a number of criticisms. The strategy has been coordinated with the effort to integrate Bulgarian society with the EU, in the run-up to planned accession in 2007. At the European Council summit meeting in Nice in December 2000, the current EU Member States agreed to develop the priorities of their policies for combating poverty and social exclusion."<sup>55</sup>

Source:

- Social Policy Strategy (2003-2006).  
<http://www.mlsp.government.bg/en/docs/strategy/index.htm>

Secondary sources:

- 04-11-2003. Tomev, Lyuben. Government adopts national strategy on fight against poverty and social exclusion.  
<http://www.eurofound.europa.eu/eiro/2003/10/feature/bg0310202f.html>

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54 03-12-2003. Arsov, Bozhidar. Government adopts employment strategy.  
<http://www.eurofound.europa.eu/eiro/2003/11/feature/bg0311203f.html>

55 04-11-2003. Tomev, Lyuben. Government adopts national strategy on fight against poverty and social exclusion. <http://www.eurofound.europa.eu/eiro/2003/10/feature/bg0310202f.html>

### *Social integration of people with disabilities*

In 2003, the Law on Integration of People with Disabilities and a Plan for Equal Opportunities and Plan for Equal Opportunities for People with Disabilities (2003-2005) were adopted. As a follow up to the Plan, for the first time the concepts of “Social Assistant” and “Personal Assistant” were introduced. Both documents were very important for the sub-issue of **care work**, since those who are carers (parents with children or relatives with disabilities) who are unemployed at home with no incomes could, after the adoption of the Law, be employed as social and personal assistants.

Sources:

- Law on Integration of People with Disabilities 2004.  
[www.mlsp.government.bg/.../chapter-13/euro/07.Social%20Protection/bg%20legislation/ZIHU-TRC-2004-461.doc](http://www.mlsp.government.bg/.../chapter-13/euro/07.Social%20Protection/bg%20legislation/ZIHU-TRC-2004-461.doc)
- Plan for Equal Opportunities for People with Disabilities (2003-2005).

## **2004**

### *National Action Plan for Employment 2004*

“The National Action Plan aims to increase the rate of employment for women and to improve employment quality as well as to promote women’s economic activity in order to overcome the employment gap between women and men.”<sup>56</sup>

Source:

- 2005. Open Society Institute. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York: OSI.  
[http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502)

### **EU accession process and new Labour Code amendments 2004**

In June 2004, amendments to the Labour Code were made again. They covered the content of employment contracts, redundancy procedures, women's night and overtime work, overtime pay and parental leave. They also repealed the restrictions on women's recruitment for military service. “The amendments seek to comply with various European Commission recommendations. The new amendments to the Labour Code resulted from discussion within the National Council for Tripartite Partnership, which lasted about a year. However, the first reactions of employers in a number of industries have been negative, especially regarding the new obligation to provide mandatory time off in compensation for overtime work”<sup>57</sup>.

Primary source:

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56 2005. Open Society Institute. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York: OSI.  
[http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502)

57 11-08-2004. Stonova. Nelly. Labour Code amended.  
<http://www.eurofound.europa.eu/eiro/2004/08/inbrief/bg0408101n.html>

- Amendments to the Labour Code 2004. <http://www.parliament.bg/bills/39/354-01-104.pdf>

Secondary source:

- 11-08-2004. Stonova. Nelly. Labour Code amended. <http://www.eurofound.europa.eu/eiro/2004/08/inbrief/bg0408101n.html>

### **Tax/benefit policies**

#### *Act to amend and supplement the Act on Family Benefits 2004*

The adopted Act provides the family benefits for children in case of pregnancy, birth of a child or child-care need. Amendments also concerned the assistance to students, who can obtain assistance until at the end of their secondary education but not later than 20 years of age, (previously 18) (a one-time benefit for students beginning their primary education).

Primary sources:

- Act to amend and supplement the Act on Family Benefits. D'rzhaven Vestnik, 2004-08-06, No. 69, pp. 2-4. Date of entry into force: 2004-07-01. <http://www.parliament.bg/bills/39/454-01-18.pdf>
- Decree No. 276 of 2004 to amend the Regulations for the application of the Act on Family Benefits (adopted by Decree No. 139 of 2002)

#### *Pensions*

An amendment to the pension scheme, adopted in 2004, abolished the granting of disability pensions due to general illness to people who already receive an old age and length of service pension.

Source:

- 14-07-2005. Zeleva, Rumiana, Ivan Neykov and Nelly Stonova. 2004 Annual Review for Bulgaria. <http://www.eurofound.europa.eu/eiro/2005/01/feature/bg0501103f.html>

The recent reforms of the pension system in Bulgaria were an object of concern for women's NGOs. The Centre of Women's Studies and Policies funded research and publications, including the analysis of the gendered aspects of the new pension policies.

NGO publications:

- Loukanova, Pobeda. 2004. Women and Men in Bulgarian Pension System. Centre of Women's Studies and Policies. Sofia
- 2005. Open Society Institute. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York: OSI. [http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502)

### **Equal pay/gender pay gap**

An International Labour Organisation (ILO) study in 2004 found that "Bulgarian women receive 24% lower wages than men. However, if they are in the same position in state-owned enterprises, men and women receive the same wage. Around 30% of Bulgarian

entrepreneurs are women”<sup>58</sup>.

Source:

- 14-07-2005. Zeleva, Rumiana, Ivan Neykov and Nelly Stonova. 2004 Annual Review for Bulgaria. <http://www.eurofound.europa.eu/eiro/2005/01/feature/bg0501103f.html>

#### *Women's employment programmes*

In 2004, a National Employment Action Plan developed new employment programmes, including women's self employment. In April 2004 Bulgaria submitted a Joint Assessment Paper to the European Commission.

#### *Equal opportunities for people with disabilities*

During the past few years the number of disabled people registered at the Labour Offices and seeking employment or training has been growing. In order to increase the opportunities for disabled people, a National Programme for Employment and Vocational Training of Disabled People was approved in 2004.

Source:

- National Programme for Employment and Vocational Training of Disabled People 2004

#### *Access to the foreign labour market*

The activities of the Employment Agency were broadened with the Decree 242, adopted by the Council of Ministers to accept an Ordinance on Employment Agency recruitment services provided to foreign employers in connection with the recruitment of Bulgarian citizens. It establishes the conditions for providing mediation services by the Agency and the foreign employers who recruit Bulgarian citizens.

Source:

- Decree No. 242/2004 of the Council of Ministers D'rzhaven Vestnik, 2004-09-17, No. 81, pp. 37-39. Date of entry into force: 2004-09-17.

## **2005**

### **Tax-Benefits Policies**

#### *Children benefits*

The Draft Law on amendments and supplements to the Law on Family Profits was submitted to the National Assembly by the Council of Ministers on 13 December 2005. The Draft introduced the term “social investments” for children.

Primary sources:

- Law on the amendments and supplements to the Law on Family Benefits for Children. 2005

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<sup>58</sup> 14-07-2005. Zeleva, Rumiana, Ivan Neykov and Nelly Stonova. 2004 Annual Review for Bulgaria. <http://www.eurofound.europa.eu/eiro/2005/01/feature/bg0501103f.html>

## **Access to the labour market**

### *Women and the labour market*

At the end of 2004, the government approved a National Plan for Equal Opportunities for women and men for 2005. "Some of the measures in the plan include efforts by district and municipal governments in developing regional projects for the employment of women and stimulating training and access for women from the Roma minority to secondary and higher education through special assistance by social workers and pedagogical teams. The plan also envisaged the establishment of consultative and expert teams with the active involvement of the social partners and non-governmental organisations in the drafting of laws and regulations in that sphere."

Primary sources:

- 09.12.2004. National Action Plan for Promotion of Gender Equality for 2005. (9 pages). [www.mlsp.government.bg/equal/bglaw.asp?id=278](http://www.mlsp.government.bg/equal/bglaw.asp?id=278)

Source:

- 14-07-2005. Zeleva, Rumiana, Ivan Neykov and Nelly Stonova. 2004 Annual Review for Bulgaria. <http://www.eurofound.europa.eu/eiro/2005/01/feature/bg0501103f.html>

### *National Action Plan on Employment 2005*

On 14 February 2005, the Council of Ministers of the Republic of Bulgaria approved the National Action Plan on Employment for 2005. "The plan was drafted by a taskforce including a broad representation of experts from the government and employers and trade union organisations. The group took into account the national legislation and the guidelines of the European Council and the European Commission. The National Action Plan for Employment 2005 continues the task of implementing the Employment Strategy of Bulgaria adopted in 2003 and the recommendations of the Joint Assessment of the Employment Priorities in Bulgaria of the Government and the European Commission. Despite the insistence of trade unions, particularly the Confederation of Independent Trade Unions in Bulgaria (CITUB), the Plan did not include individual national programmes for large and problematic groups in society and the workforce. These include illiterate persons, who number more than 500,000; the economically inactive who are discouraged and prevented from finding a job and whose number is almost equal to the registered unemployed; the disadvantaged unemployed who are at more than one risk on the labour market; persons in danger of becoming unemployed; and those illegally employed outside Bulgaria.<sup>59</sup>

Primary source:

- National Action Plan on Employment 2005

Source:

- 28-06-2005. Bozhidar Arsov. Government adopts National Action Plan for Employment 2005  
<http://www.eurofound.europa.eu/eiro/2005/05/feature/bg0505202f.html>

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<sup>59</sup> 28-06-2005. Bozhidar Arsov. Government adopts National Action Plan for Employment 2005  
<http://www.eurofound.europa.eu/eiro/2005/05/feature/bg0505202f.html>

### **Reconciliation of work and family life**

Amendments to the Labour Code were made in 2006, regulating part-time and fixed-time work, although “the agreements allowing women to work flexibly, part time, at home or at a distance from the workplace are still relatively rare”.<sup>60</sup>

Sources:

- Labour Code Amendments 2006.

The Bulgarian government stated that it will “represent a range of measures and tools aimed to support families in reconciliation of the family and professional life, financial and tax preferences for families with children, implementation of new types of social services related to child rearing”<sup>61</sup>.

- CONFERENCE OF EUROPEAN MINISTERS RESPONSIBLE FOR FAMILY AFFAIRS XXVIIIth SESSION 16 - 17 MAY 2006 LISBON, PORTUGAL “CHANGES IN PARENTING: Children Today, Parents Tomorrow”

NGO documents:

- 18 May, 2006. Gender Project for Bulgaria Foundation. 8<sup>th</sup> Annual Discussion Forum. Topic: “Reconciliation of work and family life”. Record. (13 pages). [http://coalition.gender-bg.org/docs/stenograma\\_8.pdf](http://coalition.gender-bg.org/docs/stenograma_8.pdf)
- Hadjimitova, Stanimira and Lilia Abadjieva. 2006. Policy for gender equality and combining work and family life in Bulgaria: <http://www.bm.gov.lv/files/text/BG.Report.01.02.2006.doc>

### **Care work**

In May 2006 the monitoring of the Programme “Assistance to People with Disabilities” began. In the programme's framework, training for parents with children with disabilities also took place.

The rules on the Implementation of the Law on Social Assistance were amended to enhance the development of the alternative services for children.

Sources:

- “Assistance to People with Disabilities” Programme. 2006
- Amended rules on the Implementation of the Law on Social Assistance. 2006

### **Tax-Benefits Policies**

In the middle of 2006 the National Assembly adopted major amendments to the maternity allowances. The pregnancy, maternity and adoption leave, as well as the period of allowances provided for these, were extended from 135 to 315 calendar days, of which 45

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60 European Foundation for the Improvement of Living and Working Conditions. 2006. Reconciliation of work and family life and collective bargaining in the European Union An analysis of EIRO articles. <http://www.eurofound.europa.eu/pubdocs/2006/06/en/1/ef0606en.pdf>

61 CONFERENCE OF EUROPEAN MINISTERS RESPONSIBLE FOR FAMILY AFFAIRS XXVIIIth SESSION 16 - 17 MAY 2006 LISBON, PORTUGAL “CHANGES IN PARENTING: Children Today, Parents Tomorrow”

days before birth and 270 days after (i.e. until the child reaches 9 months old). The Draft on amendments and supplements of the Law on Family Profits was adopted by the National Assembly on 18 January 2006.

Primary sources:

- Amendments and supplements of the Law on Family Benefits for Children 2006

### **Access to the labour market**

The National Strategic Reference Framework (NSRF) – Programming Period 2007-2013 has been prepared in line with Article 27-28 of the Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund. It is a mid to long-term strategic document, describing the role of the Structural Funds during the period 2007-2013 in support of the wider development strategy of Bulgaria. The NSRF provides the major integrated policy objectives formulated with awareness that the concrete results should be gradually realized further in the implementation process and with the accumulation of financial and non-financial resources.

Source:

- The National Strategic Reference Framework – Programming Period 2007-2013

### *National Action Plan on Employment 2007*

The seventh National Action Plan on Employment 2007 sets out active labour market policies aimed at the following groups: long-term unemployed people; unqualified young people; persons with a low educational level; those who are not motivated to seek employment; and unemployed persons aged over 50 years.

### III. Issue History for Intimate Citizenship

#### 1. Introduction

The timeline considers the following sub-issues:

1. Marriage, divorce, separation
2. Civil partnership and gay marriage, discrimination on the basis of sexual orientation
3. Reproductive rights, abortion, reproductive assistance

#### Marriage, divorce, separation

In 1999 policy experts and civil society initiated a public debate on the adoption of a new Family Code<sup>62</sup>. Mainly three general topics were debated – **marriage contracts** and **divorce, property relation rights** and the legal settlement of **adoption**. The government supported the initiatives for legal changes; moreover, it drafted and submitted a Law to the National Assembly, which was later rejected.

After 2000 the need of new family policy became associated with the general policy of legal provision for children's rights, and all issues of family relationships were subordinated to that political discourse. This was additionally legitimated by academics and at some point, supported by the civil society. Finally, in 2003, the amendments to the Family Code were made aiming to settle the issue of **adoption**.

The debate on divorce and separation was directed towards the issues of legal provision for **mediation**<sup>63</sup>. The opposition to the adoption of an Act on Mediation came from members of the socialist party. In general, left wing policy (the government and the President) prevailed after 2005. Since that time, all the issues regarding the institution of marriage were debated exclusively in the general **state population policies**. In 2006 this was articulated in the discussion at the highest level (the Consultative Council of National Security) and the long-term strategy on demographic development for the period 2006-2020 was adopted. The support for that policy continued in 2007, when the Economic and Social Council proposed establishment of the Ministry of Family and a special legislation on family protection.

After 2006, women's NGOs have tried to bring back the public relevance of the debate on the

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62 The Bulgarian Family Code, adopted in 1986 still “values the marriage and the stability of couple more than the personal autonomy and rights”. (Velina Todorova. 2005.Possibilities and Limits of Family Mediation: The Case of Bulgaria. Conference documentation for: Divorce Mediation Trier, 10-11 Mar 2005. [http://www.era.int/web/en/resources/5\\_2341\\_1527\\_file\\_en.1958.pdf](http://www.era.int/web/en/resources/5_2341_1527_file_en.1958.pdf))

63 “The Family Code encourages agreements between spouses or parents but there is no institutionalised professional support to negotiating parties. The Mediation Act adopted in 2004 should probably be assessed positively – at least because it is the first attempt to legalise mediation in Bulgaria after long and hard discussions.” (Velina Todorova. 2005.Possibilities and Limits of Family Mediation: The Case of Bulgaria. Conference documentation for: Divorce Mediation Trier, 10-11 Mar 2005. <[http://www.era.int/web/en/resources/5\\_2341\\_1527\\_file\\_en.1958.pdf](http://www.era.int/web/en/resources/5_2341_1527_file_en.1958.pdf)>)

adoption of a new Family law, considering issues of marriage, **cohabitation**<sup>64</sup> and **civil partnership**. At the beginning of 2007, the most recent discussions at the 9<sup>th</sup> Annual Meeting of women's NGOs were focused on the amendments to the Family Code and did not include the issue of **same-sex marriage** (or any kind of same-sex civil partnership) as an object of concern<sup>65</sup>. The issue of homosexuality is not recognised by women's NGOs as part of their own policy.

The adopted amendments to the Criminal Code in 2002 decriminalised homosexuality. These adoptions were influenced more by the international organisations and EU accession process than by the civil society in the country. Even the legal recognition of **discrimination based on homosexual orientation** was initially not part of the anti-discrimination law adopted in 2003. The legislation was additionally amended in 2005. "There is no powerful legal lobby in the country which could initiate and facilitate a change in the law towards the legal recognition of homosexual partnerships".<sup>66</sup> The activities for homosexual rights protection in Bulgaria were organised by the "Gemini" Association and non-formal groups.

There were not any significant changes in the regulation of **abortion** during the 1990's. The legal right to abortion was recognised in Bulgaria in 1957. With the introduction of the new health security system, an Ordinance was adopted in 2000 , updating the old regulations of abortion. Only abortion based on medical reasons is free of charge. In Bulgaria, abortion has been and still is the main method for contraception. There are no legal limitations of access to contraception and there is no need for parental consent for provision of any contraception for persons under 18, but contraceptives are not included in the health insurance package. During the investigated period, there was not any notable policy debate on abortion, initiated either by the civil society or the religious communities in Bulgaria. The efforts were directed mainly to family planning and prevention, which integrates the issue of reproductive and sexual education with the issue of HIV/AIDS prevention<sup>67</sup>, aimed at young people and Roma minorities.

**Reproductive assistance** is a new issue for the Bulgarian society, although regulation of the

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64 "Bulgarian legislation still does not recognize domestic partnerships as a juridical fact that gives rights and responsibilities to its parties. For this reason, partners see no changes in their personal or material relations when they decide to cohabit outside of marriage. Current and former partners in cohabitation have no right to alimony or financial support [...] It is not possible for cohabitating couples to adopt orphans, since the law requires adoptive couples to be married" (Boev, Boyko. 2001. Bulgarian and international legislation about homosexuals. A Study of the Bulgarian Helsinki Committee with Financial Support of St. Fonds de Trut. <http://www.bghelsinki.org/special/en/2001homosexual.html>)

65 The same could be said for the public debates on the legal regulation of the prostitution, raised at the same Meeting. (see the Chapter on Issue Histories of Gender Based Violence)

66 ILGA-Europe. European Region of the International Lesbian and Gay Association. 2001. *Equality for lesbians and gay men. A relevant issue in the EU accession process*. Brussels: ILGA.

67 "Low usage rates of and limited access to modern methods of contraception—especially dual methods such as condoms that protect against pregnancy and sexually transmitted infections—as well as lack of sexuality education raise concerns about prevention and transmission". ASTRA. 2006. *Youth's voices: report on sexual and reproductive rights in Central and Eastern Europe and Balkan countries*. Edited by Elwira Chrusciel from ASTRA.

“artificial insemination of women” is still based on an Ordinance adopted back in 1987. In 2003-2004, for the first time, “assisted reproduction” was introduced as a separate Section in the adopted new Law on Health. These legal changes were not influenced by the public, but public debate in civil society took place immediately after the adoption of the Law. The existing on-line informal groups founded non-governmental organisations for reproductive rights protection. Since 2005, the Ministry of Health has tried to run programmes for medical treatment of women's infertility which were an object of vicious public debate between the state and the NGOs. The claims of the civil society gathered around the issue of the provision of financial resources for the programmes. They also insisted on the adoption of a National Strategy of Assisted Reproduction. In 2007, the NGOs took an approach to include their claims into the state dominant discourse of population policies and integrate the issue of reproductive rights as part of the generic issue of the demographic crisis.

There are certain strict regulations for the couple recipient of assisted reproduction. Single women, as well as lesbians, are not allowed to participate in artificial insemination programmes; and the method is not allowed for people under 21<sup>68</sup>. Also, the people who are HIV positive are not eligible for the programmes. The issue of **assisted reproduction for people living with HIV/AIDS** has been very recently introduced to the public by the UNAIDS Bulgaria. There are no medical centres in the country offering assisted reproduction for HIV positive couples and the negative public opinion on the HIV/AIDS issue results in wrong decision making in policies. “All this compels the people living with HIV/AIDS to remain silent and not to look for adequate medical care regarding their need for reproductive assistance. According to the experts, the first basic policy step must be the adoption of the “Clinical Protocol for the WHO European Region. Support for Sexual and Reproductive Health in People Living with HIV/AIDS”<sup>69</sup>, which will allow the people living with HIV/AIDS to have equal access to the reproductive assistance”<sup>70</sup>.

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68 For the selection of couples allowed to participate in the in-vitro programme, there are some additional criteria for age.

69 Clinical Protocol for the WHO European Region. Support for Sexual and Reproductive Health in People Living with HIV/AIDS: [www.euro.who.int/document/SHA/Chap\\_9\\_SRH%20for%20web.pdf](http://www.euro.who.int/document/SHA/Chap_9_SRH%20for%20web.pdf)

70 An interview with Dr. Mariela Daskalova. “Positively for HIV/AIDS” On-line Issue, May, 2007. <http://www.unaids-bulgaria.org/index.php?magic=0.138>.

## 2. Actors

Human Rights and Religious Affairs Committee at the National Assembly.  
<http://www.parliament.bg/?page=ns&lng=en&nsid=5&action=show&gid=169>

Commission for Protection against Discrimination, reporting to the National Assembly.  
<http://www.kzd-nondiscrimination.com/>

Parliamentarian Ombudsman, reporting to the National Assembly. E-mail: [ombudsman-bg@europe.com](mailto:ombudsman-bg@europe.com)

Ministry of Health [www.mh.government.bg](http://www.mh.government.bg)

Ministry of Justice [www.mjeli.government.bg](http://www.mjeli.government.bg)

Ministry of Labour and Social Policy [www.mlsp.government.bg](http://www.mlsp.government.bg)

Bulgarian Gender Equality Coalition [www.coalition.gender-bg.org](http://www.coalition.gender-bg.org)

Gender, Education, Research and Technologies Foundation [www.gert.ngo-bg.org](http://www.gert.ngo-bg.org)

Centre of Women's Studies and Policies <http://cwsp.bg>

Bulgarian Gay Organisation "Gemini" [www.bgogemini.org/](http://www.bgogemini.org/)

Bulgarian Helsinki Committee [www.bghelsinki.org](http://www.bghelsinki.org)

Bulgarian Family Planning Association.

Portal for Family Planning and Reproductive Health [www.zachatie.org](http://www.zachatie.org)

Bulgarian Association on Sterility and Reproductive Health. [www.basrh.org](http://www.basrh.org)

UNAIDS Bulgaria. <http://www.unaids-bulgaria.org>

### 3. Timeline of policy debates and decision making on issues related to Intimate Citizenship, 1995-2007: BULGARIA

1999

#### **Public debates on the adoption of a new Family Code**

The legislation concerning the family and spousal relationships was the object of public debates in 1999. The Bulgarian Family Code was adopted during the end of socialist era in 1986 and had not been amended since (except for amendments made in 1992, deleting the heritage of the socialist system). On July 8 1999, The Centre for the Study of Democracy held public hearings to discuss drafts for a new Family Code. The hearing was organised together with the Ministry of Justice task group experts on the project, members of Parliament, lecturers at Sofia University, judges, lawyers, experts in the field of family law, representatives of non-profit organizations. The main issues that were discussed were those of property relation rights between spouses, institution of marriage contract and the legal settlement of the process and regime of adoption, as well as the legal settlement of the process of dissolving a marriage.

Source:

- Monitor, CSD, ISSUE 6, Sofia 1999. "Public Hearings Family Law Code of the Republic of Bulgaria" <http://sgroup.be/archive/dev.php>

A Draft Family Code was made by the government in 1999 but was not passed and was not adopted.

Primary source:

- The Draft Law of the Family Code.  
[http://212.122.160.99/old/bg/oficial\\_docs/drafts/drafts/semeeen\\_kodeks.htm](http://212.122.160.99/old/bg/oficial_docs/drafts/drafts/semeeen_kodeks.htm)

The legal problems of marriage relations and the absence of adequate legal settlement of divorce procedures were also discussed by the women's NGO in the monthly journal of the Women's Alliance of Development.

Sources:

- Vicheva, Dimitrina. 1999. Family Crisis Metamorphoses. [Метаморфози на кризите в семейството] Jarava Journal.
- Bostandjiev, Roumen. 1999. The Divorce – a Curse or a Challenge? [Разводът - проклятие или предизвикателство д-р Румен Бостанджиев]. Jarava Journal

#### **Reproductive health and ethnicity**

The state was not involved in activities on health promotion regarding issues of reproductive rights and there were only NGO initiatives. In the late 1990's the donor programmes were exclusively aimed towards minorities. The Foundation "Health problems of the minorities" conducted a survey on inherited diseases among different endogamous minorities groups. After the research, genetic prophylaxis was conducted through selective screenings among

the groups at risk. In the next year, another non-government organisation, the Bulgarian Association of Family Planning carried a PHARE project for reproductive health education of the Roma population for the period 1998-2000. The project aimed to raise awareness on the issues of reproductive health among the minority groups. It established consulting rooms on reproductive health in the Roma neighbourhoods in Sofia, Plovdiv and Dolna Mitropolia.

## 2000

### Academic studies on the family and partnership

Academia (mainly demographic studies) conducted research projects and published the results, tracing the sources of the widespread demographic crisis in the changed family relations. Its position affirmed the official discourse of the state protected model of the family. Nevertheless the new Family Code was not adopted in 1999 and public family policy has been directed towards the issue of children's rights<sup>71</sup> and not to issues concerning spousal relations.

Publications of the National Academy of science:

- Spasovska, Liliana. 2000. *Променящият се брак в България*. [Transformation of marriage in Bulgaria] Sofia: Prof. Marin Drinov Academic Publishing house.
- Yatchkova, Mirollyuba. 2001. Отмира ли брачният семеен модел? [Does the marital family model die out?] *Population* 1-2: 87-101.

### Abortion

In 2000 the Ministry of Health adopted Ordinance No 2, regulating the conditions for abortion, which replaced the older Instruction No 0-27 of 1973 and the Ordinance of 1990. It allowed abortion for all without regard to citizenship.

Primary source:

- Ordinance No2 of the Ministry of Health on the conditions and order for artificial termination of pregnancy of Ministry of Health. (9 pages) <http://law.dir.bg/reference.php?f=n2mz-90>

### Sexual and reproductive health

In 2000, the state engaged more closely with sexual and health promotion policies when the Ministry of Health started the project "Strengthening the National Reproductive Health Programme" (BUL/00/P01), supported by United Nations Population Fund (UNFPA) for the period of 2000-2004. "The project enabled the formulation of a comprehensive National Reproductive Health Programme, conducting surveys on the prevalence and causes of infertility in the country, elaborated a sexual health curriculum for school children aged 10-14 as well as a peer-training programme focused on young people aged 15-19."<sup>72</sup>

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71 The Child Protection Act has been adopted in Bulgaria on May 31 2000.

72 <http://www.un-bg.bg/index.php5?l=2&p=6#sexual>

## 2002

### Discrimination on the basis of sexual orientation

Until 2002, The Criminal Code in force in Bulgaria (adopted in 1968) contained “discriminatory prohibitions referring exclusively to homosexual persons”<sup>73</sup>. “Homophobia and the existence of discriminatory attitudes towards sexual minorities, mainly of the police officers”, as reported by the Bulgarian Helsinki Committee, were no different from discrimination against any other minorities.<sup>74</sup>

Source:

- Bоев, Бойко. 2001. Bulgarian and international legislation about homosexuals [Българско и международно законодателство, свързано с хомосексуалните лица.] A Study of the Bulgarian Helsinki Committee with Financial Support of St. Fonds de Trut. <http://www.bghelsinki.org/index.php?module=resources&lg=en&id=77>

In 2002, a Draft Law on amendments to the Penal Code was introduced to the National Assembly. With the adoption of the amendments, homosexuality was decriminalised. The amendments were incorporated into the Draft Law, submitted by members of different political groups in the Parliament. It was discussed at the meeting of the Committee of Legal Issues and was adopted in the first reading. The motives of the Law included the conclusions from the EU report for 2001 about the discriminatory legislation towards homosexual persons and the report's recommendations for amendments to eliminate the discriminatory legislation.

Primary sources:

- The Draft Law on the amendments to the Penal Code. 29.03.2002. <http://www.parliament.bg/bills/39/254-01-27.pdf>
- Discussion in the Committee of Legal Issues and debates at the plenary session reading. 27.6.2002 and 13.09.2002.

## 2003

### Adoption

In 2003 debates on changing the Family Code were renewed again. This time, the object of the Law amendments was the legal procedures for adoption. At the beginning of the year, on January 14, the Council of Ministers introduced to the National Assembly a Draft Law on amendments to the Family Code. It was discussed in the Committee of Legal Issues and was adopted in the first plenary session reading. On 27 June, the Bulgarian President put a veto on the adopted amendments for new reading. The motives of the veto emphasized on the need to put the child's interests at the centre of the process of the adoption and that the law

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73 Bоев, Бойко. 2001. Bulgarian and international legislation about homosexuals [Българско и международно законодателство, свързано с хомосексуалните лица.] A Study of the Bulgarian Helsinki Committee with Financial Support of St. Fonds de Trut. <http://www.bghelsinki.org/index.php?module=resources&lg=en&id=77>

74 Bоев, Бойко. 2001. Bulgarian and international legislation about homosexuals [Българско и международно законодателство, свързано с хомосексуалните лица.] A Study of the Bulgarian Helsinki Committee with Financial Support of St. Fonds de Trut. <http://www.bghelsinki.org/index.php?module=resources&lg=en&id=77>

amendments must encourage adoption, mostly by the Bulgarian citizens.

Primary sources:

- Draft Law on amendments to the Family Code. 14.01.2003.  
<http://parliament.bg/bills/39/302-01-7.pdf>
- Discussion in the Committee of Legal Issues
- Debates in the plenary session, first reading 21.2.2003
- Decree No262/25.6.2003 of the President for new reading.  
<http://www.president.bg/news.php?id=851&st=465>
- Debates in the plenary session and Law adoption. 13.06.2003

The regulation of adoption was implemented with Ordinance No. 3, issued by the Minister of Justice laying down the conditions and procedure for giving consent for the adoption of a person of Bulgarian nationality by a foreigner.

Source:

- Ordinance No. 3, SG/82. 16.09.2003. (26 pp.).  
[www.mjeli.government.bg/structure\\_files/Docs/ADOPTION%20ENGL.DOC](http://www.mjeli.government.bg/structure_files/Docs/ADOPTION%20ENGL.DOC)

## **Reproductive assistance and reproductive health**

### *The New Law on Health*

On 7 July 2003, a Draft Law on Health was introduced to the National Assembly, prepared by the Council of Ministers. The new Law repealed the old Law on Health (adopted in 1972 and amended many times). Part 3 of the Law “The protection of health of some groups of the population” included a section on *reproductive health* and another section on *reproductive assistance*. For the first time in the Bulgarian legislation, reproductive assistance was regulated by the Law on Health.

Primary sources:

- The Draft Law on Health. <http://www.parliament.bg/bills/39/302-01-35.pdf>
- The Discussion of the draft Law in the Committee on Health.
- The Debates on the Law in National Assembly. (2.12.2003) and (29.06.2004)

## **2004**

### **Divorce and separation**

In 2004, two years after its submission to the National Assembly, the Act on Mediation was adopted. The opponents of the Law “referred to the lack of social practice and demand for mediation as well as to the lack of need of such a service due to the legal procedures, which were sufficient to disputing parties. One of the most conservative MPs from the socialist party even called the Law dangerous due to its potential to privatise the dispute resolution, a function for him, belonging only to the state. The other reasons could be identified in the legal culture and family policy if one can define it throughout some policy documents and the

relevant pieces of legislation.”<sup>75</sup>

- Debate on the Draft Act on Mediation
- Act on Mediation. 2004

Secondary sources:

- Velina Todorova. 2005. Possibilities and Limits of Family Mediation: The Case of Bulgaria. Conference documentation for: Divorce Mediation Trier, 10-11 Mar 2005. <[http://www.era.int/web/en/resources/5\\_2341\\_1527\\_file\\_en.1958.pdf](http://www.era.int/web/en/resources/5_2341_1527_file_en.1958.pdf)>

### **Reproductive assistance**

On 4 June, a roundtable on the issues of reproductive assistance was organized by Journal “9 months” and the Varna Municipality under the patronage of the Mayor of Varna. The following were present: local administration of Health Insurance Fund, Bulgarian Medical Association, representatives from state and private clinics, members of the parliamentary committee on Health Care, NGO representatives from the Association on Family Planning and “Zachatie” Association. The issue of the funding of reproductive assistance was debated. The Minister of Health sent a letter to the meeting, outlining the main priorities of the government on reproductive health.

Source:

- 4.06.2004. Roundtable on the reproductive assistance state policy  
[http://www.zachatie.org/index.php?option=com\\_content&task=view&id=518&Itemid=30](http://www.zachatie.org/index.php?option=com_content&task=view&id=518&Itemid=30)
- An open letter from the Minister of Health.  
[http://www.zachatie.org/index.php?option=com\\_content&task=view&id=518&Itemid=30](http://www.zachatie.org/index.php?option=com_content&task=view&id=518&Itemid=30)

Since the adoption of the new Law on Health in 2003, civil society had become more active in the public debates, especially on the issues of reproductive assistance. At the end of 2003, in the prepared National Framework for Public Health, two clinical pathways were developed concerning assisted reproduction, obligating the National Health Insurance Fund to pay 60% of the medical procedure expenses. But Ordinance No 32 of the Minister of Health abrogated the envisaged pathways.

Source:

- Ordinance No 32 of the Minister of Health

## **2005**

### **Homosexual rights**

Until 2005, the adopted anti-discrimination law provided legal protection against discrimination regarding ethnic, religious and political rights. In January 2005, the National

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<sup>75</sup> Velina Todorova. 2005. Possibilities and Limits of Family Mediation: The Case of Bulgaria. Conference documentation for: *Divorce Mediation* Trier, 10-11 Mar 2005. <[http://www.era.int/web/en/resources/5\\_2341\\_1527\\_file\\_en.1958.pdf](http://www.era.int/web/en/resources/5_2341_1527_file_en.1958.pdf)>

Assembly adopted an amendment to provide protection against discrimination based on sexual orientation.

Primary source:

- 2005. Draft Law on the amendments to the Law against Discrimination and the adopted amendments.

## **Reproductive assistance**

### *NGO activities*

On 30 March 2005, the Gender Education Research and Technologies Foundation organised the roundtable: "The reproductive health of women - where are we and what are the costs for it?" This was part of a larger international campaign in CEE of the ASTRA network for sexual and reproductive health and rights of women. Activists of major NGOs working in the field – the Women's Alliance for Development, Bulgarian Family Planning Association, Women's Initiative for Health Foundation, Centre for Women's Studies and Policies and the Internet Rights Bulgaria Foundation participated in the debates. The state representatives were from the Ministry of Health, who presented the recent trends in reproductive behaviour. Dr. Emilia Tasheva from the Ministry of Health said at the forum discussions: "whatever the Ministry does, the health status of the population is getting worse. The Ministry could not cope alone with this issue. The health is merely a question of self awareness and prophylaxis." The representatives from the Ministry also noted that: "NGOs never acknowledge the achievements of the Ministry". The expectation of the meeting was to start a dialogue between the civil society and the state institutions.

Source:

- Roundtable discussion. <http://www.gert.ngo-bg.org/article121.html>

### *Government Programme, funding reproductive assistance 2004*

After the debates initiated by the civil society in 2004 and the discussions at the different administrative levels in the health care system, the Programme for Medical Treatment of Woman's Infertility launched in 2005. It funded the medical care and medicine expenses for 1200 women.

Source:

- Programme for Medical Treatment of Woman's Infertility. 2005

## **Sexual and reproductive health awareness**

### *Targeting the youth*

The Ministry of Education and Science continued the educational campaign on the problems of sexual and reproductive health. On 17 June 2005 it announced the new Project BUL1R205/BUL1R303 "Improvement of sexual and reproductive health of the young people in Bulgaria".

Sources:

- Project "Improvement of sexual and reproductive health of the young people in Bulgaria".  
[http://www.minedu.government.bg/opencms/export/sites/mon/left\\_menu/jointprojects/](http://www.minedu.government.bg/opencms/export/sites/mon/left_menu/jointprojects/)

### *Promotion of reproductive health care and ethnic minorities*

In 2005, the government adopted the Health Strategy for People in Disadvantaged Positions from Ethnic Minorities. The document was elaborated upon regarding the active work of the Bulgarian NGOs: "Health problems of minorities" Foundation and Bulgarian Family Planning Association. One of the strategic goals was the promotion of reproductive health among people from ethnic minorities.

Source:

- Health Strategy for People in Disadvantaged Positions from Ethnic Minorities  
[http://www.mh.government.bg/doc/zdravna\\_strategia\\_prieta.doc](http://www.mh.government.bg/doc/zdravna_strategia_prieta.doc)

## 2006

### **Population policy**

During this period, the object of public debates on family problems was mainly considered as the problems of demographic crisis. Academia and NGOs debated the issue of low birth rates in families. In 2005, politicians and experts elaborated the National Strategy on Demographic Development for the period 2006-2020. The Strategy was discussed at the Consultative Council on National Security<sup>76</sup>. The speech of the President emphasized the fact that demographic policy is a national security issue. The discussion on the different policies focused on future state policy towards family relations and "responsible parenthood", as well as policies for increasing the birth rates (including issues of abortion and reproductive health).

- 09-01-2006. Speech of the President.  
<http://www.president.bg/news.php?id=2300&st=0>
- National Strategy on Demography Development (2006-2020)  
<http://www.mlsp.government.bg/equal/bglaw.asp?id=281>

### **Adoption**

The legislation process from 2003 regarding the procedures and regulations of adoption was followed up by the Formal stand of the Bulgarian Central Authority for country adoption, in accordance with the recommendations of the European Institutions.

- [http://www.mjeli.government.bg/structure\\_files/Docs/FormalStand.doc](http://www.mjeli.government.bg/structure_files/Docs/FormalStand.doc)

### **Abortion**

With the adopted Law on amendments to the Penal Code in August 2006 the sentence for criminal abortion was set up to 5 years of imprisonment.

Source:

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<sup>76</sup> "According to the Constitution, the President presides over the Consultative Council on National Security. This advisory body adopts opinions and proposals to the institutions of State, and discusses the most important issues related to national security and national defense."  
[http://www.president.bg/en/inst\\_history.php](http://www.president.bg/en/inst_history.php)

- [The Law on amendments to the Penal Code 2006.](#)

### **Programme for Medical Treatment of Women's Infertility for 2006**

The National Health Insurance Fund took a Decision to remove the list of applications of people who had participated in the Programme in the previous year, refusing them a second assisted reproduction attempt. Also, the number of the programme's participants was twice reduced, to 600. The NHIF do not fund the whole medical procedure, but only the defined 1700 lv (850 EURO).<sup>77</sup>

Primary sources:

- Programme for Medical Treatment of Women's Infertility 2006
- Decision of the National Health Insurance Fund 0414/09.01.06

In March 25 2005, the Zachatie Association organised the protest meeting "300 Babies More". An Open Letter and a Petition were sent to the Ministry of Health and other institutions for appeal regarding the immediate need of elaborating and adopting a responsible national strategy on reproductive health.

In the middle of the Programme implementation, the NHIF terminated it due to financial insufficiency. Only 600 women were able to participate in the Programme, despite the planned number of 1000. In the previous year, the programme funded reproductive assistance for 1200 women, and 300 of them had babies. At the end of 2006, Zachatie Association organised another protest meeting against the National Health Insurance Fund policy towards reproductive assistance. "200,000 couples cannot have children. The only hope for them is the expensive methods of reproductive assistance." The NGOs appealed again for adequate state policy for recognising sterility as a health care issue and for the adoption of a national strategy.

Sources:

- Information Bulletin. 3(27)/2006. Davidova, Fany. Five disgraces caused by a hidden document.  
[http://www.zachatie.org/index.php?option=com\\_content&task=view&id=594&Itemid=30](http://www.zachatie.org/index.php?option=com_content&task=view&id=594&Itemid=30)
- 31 October. 2006. Health Insurance Fund terminated In-vitro programme.  
<http://standartnews.com/bg/article.php?d=2006-10-31&article=166150>
- 04.12.2006. SEGA Newspaper/4/12/2006.  
<http://www.segabg.com/online/article.asp?issueid=2490&sectionid=5&id=0001401>
- Zachatie Association Protesting \_  
[http://www.zachatie.org/index.php?option=com\\_content&task=view&id=610&Itemid=31](http://www.zachatie.org/index.php?option=com_content&task=view&id=610&Itemid=31)
- Petition from the Bulgarian families whose children were stolen by the National Health Insurance Fund. <http://www.bgpetition.com/in-vitro/index.html>

<sup>77</sup> The other expenses of about 1000 to 3500 EURO had to be paid by the couple. Often, people go to buy the medicines in Greece and Turkey where they are much cheaper.

At the very end of 2006, on 20 December, the Gender Education, Research and Technologies Foundation organised a discussion on the access of young people to health care services regarding sexual and reproductive health. The discussion was part of the ASTRA initiative for informed access to contraception for young people. Participants were from Ministry of Education, UNPFA Bulgaria, and the Youth Division of the Bulgarian Red Cross. The conclusions of the discussions were that in Bulgaria there were not many actors working on the issue, and there is an absence of policy, strategy or law on reproductive health. After all these years, there is no sexual education in the education curriculum<sup>78</sup>.

## 2007

### Population policy

On 23 May 2007 The Economic and Social Council, a Public Body representing various civil society economic and social organisations, published its official position document: "The family, good parenthood and equal opportunities". The Council strongly insists on the establishment of a Ministry of the Family and the adoption of special Law on Family Protection.

Source:

- 2007. The family, good parenthood and equal opportunities. Signed Official Position of The Economic and Social Council. (28 pages)  
<<http://www.esc.bg/download.php?group=3&id=43>>

### Cohabitation and civil partnership

The 9<sup>th</sup> Annual Meeting of the Bulgarian Women's NGOs on 9 March 2007 signed an Appeal for gender equality legislation changes. Along with the discussion on the legalising of prostitution, the other issue discussed was the new Draft Act of the Family Code, which has to be submitted this year at the National Assembly, and the need for new paragraphs on cohabitation and new forms of partnership.

Source:

- 2007 9 March. Appeal of the 9<sup>th</sup> Annual Women's NGOs Meeting. BG. (37 pages).  
<<http://www.cwsp.bg/htmls/page.php?category=448&id=887&page=1>>

### Reproductive assistance

*The NGO approach to integrate official population policy with reproductive rights issues*

In June, 2007, the NGOs' initiative "Day of Reproductive Health" was organised under the slogan: "Demographic collapse and sterility", financially supported by the Economic and

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78 It was said that in Bulgarian schools the only source for sexual education was the Biology classes. The representative from Ministry of Education and Science expressed the opinion that the sexual education is an issue more in the field of ethics, than in biology. <http://www.gert.ngo-bg.org/article183.html>

Investment Bank<sup>79</sup>. A protest against the irresponsible state policy was organised. In June, the Ministry of Health adopted Ordinance No 28, a detailed document regulating all the activities of assisted reproduction including personal and structural requirements.

Source:

- Ordinance No 28/20.06/2007 for activities on assisted reproduction. (State Gazette/55 6.07.2007, (78 pages)  
[http://www.mh.government.bg/norm\\_acts/naredba\\_asistirana\\_reprodukcija\\_10\\_07\\_07.rtf](http://www.mh.government.bg/norm_acts/naredba_asistirana_reprodukcija_10_07_07.rtf)

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<sup>79</sup> A joint programme between the Zachatie Foundation and Economic and Investment Bank “I want baby” for bank crediting the families in reproductive assistance medical expenses launched.  
[http://www.zachatie.org/index.php?option=com\\_content&task=view&id=813&Itemid=31](http://www.zachatie.org/index.php?option=com_content&task=view&id=813&Itemid=31)

## IV. Issue Histories for Gender Based Violence

### 1. Introduction

The timeline considers the following sub-issues:

- Domestic violence
- Sexual abuse (including rape)
- Trafficking in women
- Prostitution
- Sexual harassment at workplace

The state policies towards the issue of **domestic violence** went through provisional changes regarding the strategies and the legislation process during 1996-1999. In the beginning of the period, the issue was included as part of “general crime” issues. The efforts of the women's NGOs aimed to bring the issue out of the private domain and to turn the attention to its public character. They also implemented a number of projects to support and help victims of domestic violence and trafficking. Their work, most importantly, included cooperation with local and international experts on the issue to elaborate a draft law against domestic violence, initiatives that started in 1997-1999<sup>80</sup>. “Some women's groups started working on one of the most burning problems - violence against women, e.g. to run the shelters for women- victims of domestic and sexual violence, to establish services to trafficked women, telephone hot-lines, legal and social consultations in some major cities etc. Thus it was possible to achieve a breakthrough and to put violence against women on the public agenda.”<sup>81</sup>

The first legislation which set violence among family members as a public concern was influenced by the policies on protecting the child's rights. The Child Protection Act adopted in 2000 was considered by women's NGOs as an improvement of the legal provisions for regulating domestic violence.

In the period of 2004-2005 the debates on the issue of violence against women, and domestic violence in particular, have intensified. Due to indispensable effort of the non-government organisations which had supported the drafting of the Draft Law Against Domestic Violence and lobbied for its introduction at the National Assembly, the Law was adopted in 2005. After the adoption of the Law Against Domestic Violence, the process began to implement its regulations in government; the Programme for Prevention and Protection against Domestic Violence was a step forward for providing the financial and structural support for further cooperation between all actors involved, especially at the local level: the police departments, municipalities' administration and NGOs.

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80 The Law on Protection against Domestic Violence in Bulgaria: Insights and History 5/31/2005 3:55. Contributed by: Genoveva Tisheva- Managing Director of the Bulgarian Gender Research Foundation

81 2000. Bulgaria Report on the Implementation of the Beijing Platform for Action. Submitted by: The Women's Resource Centre at the Women's Alliance for Development, Sofia, Bulgaria. To: Karat Coalition Dated: 11 February 2000. <http://www.enawa.org/NGO/bulgaria3.html>

In 2004, for the first time, the issue of **honour related violence** was introduced for public discussion in Bulgaria due to the work of the Bulgarian Gender Research Foundation on the joint project with the Kvinnoforum, Sweden. However, apart from this research, the issue remains outside of policies.

The issue of **trafficking in women** has been part of the general issue of trafficking in human beings. In 1996-2001 the prevention of trafficking in human beings was part of policy actions against organised crime and especially of those at the international level (the envisaged measures against trafficking stressed “the strengthening of border control”). At the same time, at the national level, the issue was part of the governmental plans and programmes directed to combat crime in general. The NGO sector implemented projects on helping, sheltering and re-integrating victims of trafficking as part of their support of victims of violence. In 2002 some changes have been made to that position. The debates on the amendments to the Penal Code defined trafficking in human beings as a “criminal offence against the person” and certain developments occurred in the EU positions evaluating the problems of trafficking in human beings in Bulgaria, recommending policies of research and prevention of the phenomenon. Drafting and adoption of the Law on Countering Trafficking in Human Beings took place between 2003-2004. It was highly influenced by international factors (mainly the European Commission and International Organisation of Migration). After the adoption of the legislation in 2005 and after the recognition of the issue of trafficking in human beings as a problem, national in character, the policy has divided into two positions towards it. The first one was combating sexual exploitation (of children), influenced by the dominant priorities of child's rights. The second was directed toward the issue of local trafficking in women with the debates on **prostitution** and its legalisation. After 2005 the debates were oriented to the future adoption of Law, regulating the phenomenon of prostitution, which intensified in 2007. Recently a working group was formed to draft the Law and it is the main object of concern both of the politicians and the NGOs, who support different positions and opinions.

The issue of **sexual abuse (and rape)** was divided in the policies into private (gender based violence in the family) and public (crime against the person) concerns. The adoption of the specific legislation claimed to provide its legal regulation – as part of violence in the family: the Act on Child Protection (2001) (and other specific normative acts against sexual exploitation of children 2003-2006). On the other hand, the Law Against Domestic Violence (2005) and general definition of “crime against the person” and “women's inviolability” were attributed to it with amendments to the specific legislation (Penal Code 2002, Penal Procedural Code 2005).

Public awareness of the issue of **sexual harassment in the workplace** was raised due to the efforts of International organisations: Minnesota Advocates on Human Rights (1999) and by the debates organised by the trade unions in Bulgaria in 2005, initiated by the research work of The European Foundation for the Improvement of Living and Working Conditions.

## 2. Actors

Human Rights and Religious Affairs Committee at the National Assembly.  
<http://www.parliament.bg/?page=ns&lng=en&nsid=5&action=show&gid=169>

Committee on Legal Issues

National Commission against Trafficking

Local Commissions

Ministry of Interior

Ministry of Justice

Ministry of Health

Ministry of Education and Science

State Agency on Child Protection

Trade unions

National Association to the Confederation of Independent Trade Unions. <http://www.knsb-bg.org/>

Confederation of Labour "Podkrepa" <http://www.podkrepa.org>

**NGOs** devoted to the issues of violence against women. Many women's non-governmental organizations are responding to the problem of domestic violence in Bulgaria at the national and at local level.

**Bulgarian Gender Research Foundation.** The BGRF was the most active organiser of public debates on drafting and adopting the legislation on domestic violence. It participated actively in the process of preparing the Draft Act Against Domestic Violence, adopted in 2005.

**The Animus Association.** The Centre for rehabilitation of women, adolescents, and children victims of violence was established in 1996 as an alternative to the widespread institutional treatment of victims of violence in Bulgaria. National co-ordinator for La Strada-Bulgaria.

**Nadja Center Foundation.** Organizing Media Campaign to Combat Violence against Women permanently since 1997. NCF was an active collaborator with many national services and institutions – police, court, prosecutor's court, health institutions, and with non-governmental organizations – national and foreign. The Foundation is a focal point for Bulgaria in the European network of "Women against violence in Europe" (WAVE). It is also an active participant in the yearly International Conference, where the standards for work in specialized centres and shelters for victims of domestic violence as a part of the European Committee were presented and approved.

### International actors

European network of "Women against violence in Europe" (WAVE)

International Organisation of Migration

Minnesota Advocates on Human Rights

The European Foundation for the Improvement of Living and Working Conditions

### 3. Timeline of policy debates and decision making on issues related to gender-based violence, 1995-2007: BULGARIA

1996

#### Domestic violence

The National Action Plan (in implementation of the commitments of the Republic of Bulgaria undertaken at the UN Fourth World Conference on Women, Beijing, 1995) adopted in 1996 included Section I which describes the measures for prevention and elimination of *all forms* of violence against the women. The National Action Plan envisaged the recognition of violence in the family as "sexual harassment" in order to incorporate it in the future amendments to the Penal Code:

*Incorporation of all forms of violence in the family as sexual harassment under the Penal Code, revision of penalties for "lewdness" and "rape". (National Action Plan. 1996: 14)*

The Plan introduced the governmental understanding towards the phenomenon of violence against women and presented the policy idea that prevention and elimination of violence against women could be achieved through changes in specific legislation and programmes against *crime in general*, such as elaboration of a National Programme Against Crime and amendments to the Law on Ministry of Interior. The Plan also declared that all of the measures against all forms of violence against women should be adopted with the active participation of NGOs.

Primary sources:

- National Action Plan in implementation of the commitments of the Republic of Bulgaria undertaken at the UN Fourth World Conference on Women, Beijing, 1995.) BG/EN. (20 pages). <<http://www.un.org/documents/ga/conf177/natrep/nap1996-bulgaria.htm>>
- Decision No. 1101 of Ministry of Councils for Adoption of Measures on the Conditions of Women. BG. 30 September, 1996 (35 pages): [http://www.cwsp.bg/upload/docs/Merki\\_1996.pdf](http://www.cwsp.bg/upload/docs/Merki_1996.pdf)

#### Sexual violence

"In 1996, the Penal Code was amended by harsher penalties for sexual violence against minors and adolescents, as well as for forcing people into prostitution, sexual exploitation, child prostitution, and kidnapping and trafficking in "human beings". (No changes to provisions applicable to domestic violence have been made so far.)"<sup>82</sup>

Source:

- 1999. Women's Alliance for Development. Institutional mechanisms for the advancement of women (since the Beijing conference). Bulgaria Report, <http://www.enawa.org/NGO/bulgaria3.html>

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<sup>82</sup> 1999. Women's Alliance for Development. Institutional mechanisms for the advancement of women (since the Beijing conference). Bulgaria Report, <http://www.enawa.org/NGO/bulgaria3.html>

## 1997-1999

### Domestic violence

#### *NGOs' initiatives on the issue of gender based violence*

In 1997 the drafting of the Law on Protection against Domestic Violence started as non-governmental initiative with the cooperation of the Bulgarian Gender Research Foundation and Minnesota Advocates for Human Rights: "The idea for such a law was born after the Beijing conference and more specifically in 1997-99 with a project of the Bulgarian Gender Research Foundation (BGRF) with Minnesota Advocates for Human Rights (MAHR) "Combating violence against women through research and education" funded by the PROWID Program – USA"<sup>83</sup>.

"Proposals for amendments in the Penal Code aimed at regarding domestic violence as a general crime were made at several seminars with participation of women's non-governmental organisations held in 1997."<sup>84</sup>

Another Bulgarian non-governmental organisation, the Centre Nadja Foundation, began to work actively on the problems of violence against women. In 1997, under the protection of the Centre Nadja Foundation, the first shelter founded in Bulgaria started functioning, offering support and protection to women and their children who were victims of domestic violence. At the end of 1997, Centre Nadja Foundation participated in the Campaign "16 Days of Activism Against Gender Violence" increasing the awareness of the public to violence against women and children.

Sources:

- Tisheva, Genoveva. 1997. Violence against women – from unrealized problem to united efforts for its solution Jarava Journal. Women's Alliance for Development. 1997/1.
- 1997. Violence and women, Jarava Journal. Women's Alliance for Development. 1997/2.
- Boshkova, Liudmila. 1998. The rights of women in Bulgaria. In: *Human Rights in Bulgaria*. UNDP, the Friedrich Ebert Foundation and the Information and Documentation Centre on the Council of Europe.

### Sexual harassment in the workplace

Minnesota Advocates for Human Rights actively helped Bulgarian NGOs and also in 1999 published a report on study on sex discrimination and sexual harassment in the workplace.

Source:

- Minnesota Advocates for Human Rights. 1999. Sex Discrimination and Sexual Harassment in the Workplace in Bulgaria.

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83 The Law on Protection against Domestic Violence in Bulgaria: Insights and History 5/31/2005 3:55. Contributed by: Genoveva Tisheva- Managing Director of the Bulgarian Gender Research Foundation

84 Boshkova, Liudmila. 1998. The rights of women in Bulgaria. In: *Human Rights in Bulgaria*. UNDP, the Friedrich Ebert Foundation and the Information and Documentation Centre on the Council of Europe: 33.

### **Bulgarian CEDAW report 1998**

Bulgaria submitted its consolidated second and third periodic CEDAW report in 1994, but it was considered by the Committee in 1998 and at the 373<sup>rd</sup> Session the supplement to the Report was made by the governmental representative Ms Pramatarova. She confirmed the state policy concerning violence against women as a general policy against organised crime:

*18. The Bulgarian authorities had taken a strong stand against organized crime, including **traffic in women** and the **exploitation of prostitution**. Recent amendments to the Penal Code had tightened up the penalties for those offences. However, the problem was international in character and required concerted measures at the regional and global level. (28/01/1998 Summary record: Bulgaria)*

According to the Bulgarian authorities, the most common forms of violence against women included:

*[...] murder, attempted murder, severe physical injury, rape, attempted rape, robbery and hooliganism, all of which entailed severe penalties under the Penal Code. Victims of sexual harassment could also initiate criminal or civil court proceedings. (28/01/1998 Summary record: Bulgaria. 28/01/98. CEDAW/C/SR.373.)*

In the Report, the issue of **domestic violence** and its criminalisation was merged with the issue of child protection and the drafting of the Child Protection Act.

*20. [...] The Ministry of Foreign Affairs, in cooperation with the Council of Europe, had held a seminar on domestic violence at Sofia in November 1997, and Parliament was considering draft legislation which would criminalize **domestic violence against children**, including girls. (28/01/1998 Summary record: Bulgaria)*

The Committee's conclusion on the issue stated that: "domestic violence in Bulgaria was still not seen as a human rights abuse and more aware-raising campaigns were needed" (para 220).

Primary sources:

- 28/01/1998 Summary record: Bulgaria. 28/01/98. CEDAW/C/SR.373. (Summary Record). Convention Abbreviation: CEDAW. COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN. EN (10 pages). <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/962d785723d03160c12572d5001f25e8?Opendocument>
- 28/01/1998 Summary record: Bulgaria. 28/01/98. CEDAW/C/SR.374. (Summary Record). Convention Abbreviation: CEDAW COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN. EN (8 pages.) [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/962d785723d03160c12572d5001f25e8?O](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/962d785723d03160c12572d5001f25e8?O)

[pendocument](#)

- 14/05/1998 Concluding Observations/Comments. Concluding observations of the Committee on the Elimination of Discrimination against Women: Bulgaria. 14/05/98. A/53/38, paras.208-261.  
<http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/c50f27fa9396ed8a80256664004eaeac?Opendocument>
- Amendments to the Penal Code. State Gazette. 107/1996; 62/1997.

### **Trafficking in women**

In line with the general state understanding of the concept of crime, on 16 July 1998, the Council of Ministers adopted a National Strategy to Combat Crime.

“Prosecution was reinforced generally with regard to organized crime, but failed to adequately address the problem of forced prostitution. Traffickers have to fear mainly fines which constitute not more than up to one half of the price they get for one woman sold into sex slavery, and from 3 to 12 years of imprisonment in case the victim is under age. So far no traffickers have been sentenced.<sup>85</sup>”

Source:

- National Strategy to Combat Crime. 16 July, 1998.

### *EU accession process in 1998*

The EU Regular Report from 1999 noted that the problems with trafficking in human beings, especially women, remained, and these should be “addressed in particular in the context of strengthening of border control”<sup>86</sup>. There were no further recommendations on this issue since the report focused generally on minority rights, particularly of the Roma population.

## **2000**

### **Domestic violence**

#### *Violence among family members and the adoption of the Child Protection Act*

As stated above, the state policy towards violence against women was understood in the legislation and decision-making process as part of the fight against crime in general which integrated the issue with other legislation, criminalising violence in the family. The report on women's rights, prepared by the International Helsinki Federation in 2000<sup>87</sup> noted that the policy course in Bulgaria regarding the treatment of cases of domestic violence among family members is “based on the principle of non-intervention by the state. Domestic violence between spouses is treated as a general crime and is only prosecuted by the State when it

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85 1999. Bulgaria and Beijing + 5 Answers to the Karat Questionnaire. Prepared by: Women's Alliance for Development. <http://www.enawa.org/NGO/bulgaria2.html>

86 Regular Report from the Commission on Bulgaria's Progress towards Accession (13/10/99)

87 International Helsinki Federation. 2000. Women 2000 - An investigation into the status of women's rights in Central and South-Eastern Europe and the Newly Independent States.[http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=1458](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=1458) (accessed 20 March, 2007)

results in severe bodily injury according to the specific criteria of the Penal Code<sup>88</sup>.

Source:

- International Helsinki Federation. 2000. Women 2000 - An investigation into the status of women's rights in Central and South-Eastern Europe and the Newly Independent States. [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=1458](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=1458)

The first legislation considering violence among family members was The Child Protection Act adopted in Bulgaria on May 31 2000. The programs and projects of NGOs and state representatives, especially with the support of the newly established State Agency for Child protection and of the Ministry of Education, reflected their positive assessment of the adopted Child Protection Act. "Demetra" Foundation, Bourgas and the Bulgarian Gender Research Foundation started a Pilot Programme "Advanced Strategy for Combating Violence against Women through Education and Sensitization of Teenage Boys and Men", funded by UNIFEM. The organisers emphasized that the programme "provoked an unprecedented cooperation among police, social and health services, the prison and NGOs in Bourgas, the police in Bourgas changed positively its attitude towards victims of domestic violence"<sup>89</sup>.

The civil society has worked very actively on projects, providing legal aid and consultations for women who are victims of violence. The Bulgarian Gender Research Foundation conducted a campaign promoting the right to free legal protection of women in court in cases of domestic violence. It also made recommendations for legislation changes and launched initiatives for drafting a special law for protection against domestic violence<sup>90</sup>.

Another two NGO campaigns were carried out during 2001: "16 days against Violence against Women" and "The White Ribbon Campaign" in Bulgaria with the financial support of the Open Society Foundation, Sofia and The Animus Association co-ordinated the International "La Strada Programme" for Bulgaria in 1999-2001.

### **Bulgaria and the Implementation of the Beijing Platform for Action 2000**

On 14 January 2000 the Government submitted the Answers to the Questionnaire on Implementation of the Beijing Platform for Action. The Answers again affirmed the official position that the Penal Code, and especially the recent amendments to it, regulates all types of violence against women:

*All types of violence against women - domestic violence, sexual harassment, etc. are regulated by the Penal Code. The amendments of the Penal Code over the*

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88 Penal Code. Section II. Bodily harm. Art. 128. (1) "Who inflicts on somebody else a serious bodily harm shall be punished by imprisonment of three to ten years." <http://www.legislationline.org/upload/legislations/d7/8d/c1519b43d701a2f3976b312d2993.pdf>

89 <http://www.bgrf.org/en/projects/violence/>

90 "The project entered as a case study in the book "Becoming women's rights advocates", published by WLDI and launched at the Beijing+5 Special Session of the UN in June 2000 in New York." The Law on Protection against Domestic Violence in Bulgaria: Insights and History 5/31/2005. Contributed by: Genoveva Tisheva- Managing Director of the Bulgarian Gender Research Foundation

*last years have led to increase of sanctions for a number of crimes, concerning violence against women. In cases of violence against minors, the sanctions have become especially strict. The crimes of private character, which involve violence against women, are punished at the complaint of the victim. However, when a particular action constitutes a crime of general character, it is prosecuted without exception regardless of the appeal, lodged by the victim. (14-02-2000. Answers to the Questionnaire on Implementation of the Beijing Platform for Action, presented by the Government of the Republic of Bulgaria)*

The commitments of the Government for future actions on the issue of violence against women were more “research and campaign practices” than actual legislative activities. In the following year, there were initiatives but conducted only by the non-governmental organisations. The Bulgarian Gender Research Foundation conducted a project, funded by the Dutch foundation NOVIB, for establishing a pilot system of effective legal resources to respond to domestic violence, sexual harassment and sex discrimination through legal services and volunteer attorney networks. “On the initiative of the participants to this project and as a result of its achievements a Draft law for Protection against Domestic violence was elaborated with experts of BGRF and Lawyers working on the program and was presented to a member of the Parliament from the majority in the beginning of December 2001”<sup>91</sup>

Primary sources:

- 14-02-2000. Answers to the Questionnaire on Implementation of the Beijing Platform for Action, presented by the Government of the Republic of Bulgaria. (Division for the Advancement of Women by the Government in response to the Secretary-General’s Questionnaire on Implementation of the Beijing Platform for Action.) EN. (30 pages) <http://www.un.org/womenwatch/daw/followup/responses/Bulgaria.pdf>

## 2002

### Domestic violence

In autumn 2002, The Minister of Justice issued an order for the creation of a working group in the Ministry “for the elaboration of a draft law on quick measures for protection of victims of domestic violence”. “The group was composed of representatives of the following institutions: Ministry of the Interior, Ministry of Labour and Social Policy, Ministry of Health, Ministry of Justice, the Sofia City Bar, the Chief Prosecutor’s Office and a representative of the Bulgarian Gender Research Foundation. The group started working at the end of 2002, using the initial draft agreed to by the first working group and the Parliamentarian Committee on Legal Issues.”<sup>92</sup>

Source:

- 1.06.2002. Bulgarian Gender Research Foundation. Domestic violence: legislation

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91 <http://www.bgrf.org/en/projects/violence>

92 The Law on Protection against Domestic Violence in Bulgaria: Insights and History 5/31/2005. Contributed by: Genoveva Tisheva- Managing Director of the Bulgarian Gender Research Foundation

and practice. [Домашно насилие: законодателство и практика]

#### *Co-operation of NGOs and local police departments*

In 2002, the established cooperation of NGOs and the police departments, including those at the local level providing help and legal aid to women victims of gender based crimes, continued with a project of the Bulgarian Gender Research Foundation – Sofia and its two branches in Plovdiv and Silistra. The BGRF published a series of books, providing an overview of the legislation and legal practice in the field of domestic violence and insisting on the necessity of creating a system for legal aid for women victims of domestic violence.

After 2002, the Police Academy of the Ministry of Interior provided training curricula for police officers and sergeants of the national police services, issues of women's discrimination and women's rights stipulated in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Sources:

- 01.01.2002. Bulgarian Gender Research Foundation. Legal Aspect of trafficking in human beings, especially women and children.
- 15.01.2002. Bulgarian Gender Research Foundation. Access to justice for women victims of domestic violence.

#### *Amendments to the Penal Code in 2002 and gender based violence*

On 13 September 2002 the National Assembly adopted the amendments to the Bulgarian Penal Code. According the amendments **rape, induction to prostitution, trafficking in human beings, forcing sexual intercourse through using material or employment dependence** were classified as *criminal offences against the person*.

The amendments introduced a new “Section IX. Traffic of people” in the Penal Code:

*Art. 159a. (New, SG 92/02) (1) Who gathers, transports, hides or receives individuals or groups of people in order to be used for vicious practice, involuntary servitude, seizure of body organs or to be kept under compulsory submission regardless of their consent, shall be punished by imprisonment of one to eight years and a fine of up to eight thousand levs. (Penal Code, SG 92/02)*

The Penal Code does not describe **sexual harassment** as a form of violence against women or gender discrimination in the workplace and does not prohibit harassment that does not involve intercourse. Punishment for sexual harassment is imposed only in cases in which sexual intercourse occurs between a woman and a man who has abused his power over her.

Primary sources:

- Draft Law on the Amendments to the Penal Code 2002 introduced to the National Assembly
- Debates on the Draft Law on the Amendments to the Penal Code at the National Assembly Plenary Session

### *EU accession process and the issue of trafficking in human beings*

Certain developments occurred in the position of the EU evaluation on the issue of countering trafficking of human beings in its reports since 1999. In 2000 it was noted that the recommended measures for “strengthening of border control is not sufficient to tackle this problem. A more effective policy of prevention and information is needed”<sup>93</sup>. The EU report from 2001 gave also account of the difficulties in bringing the cases on trafficking in human beings to court, since it is “not yet defined as a special offence”<sup>94</sup>. The expectations were that certain measures would be taken in this matter in the introduced Draft Law on the Amendments to the Penal Code at the National Assembly. In its report of 2002, the EU notified the issues of trafficking in women and girls for the purpose of sexual exploitation and its general evaluations stated: “there was considerable improvement of the legal framework for “tackling trafficking, corruption and organised crime”<sup>95</sup>.

Source:

- Regular Report from the Commission on Bulgaria’s Progress towards Accession {COM(2002) 700 final} (Brussels, 9.10.2002 SEC(2002) 1400)

## **2003**

### **Domestic violence**

A representative study of the Public Opinion on Domestic Violence by the National Centre for Study of the Public Opinion was conducted in March 2003. According to the study, physical violence by the male partner is the most common form of violence in the Bulgarian family and among partners<sup>96</sup>. This involvement of the National Centre on the issues of domestic violence, and particularly violence against women in the family, was important (being a state institution).

Source:

- National Centre for Public Opinion Polling. March 2003. The Public Opinion on Domestic Violence

A month later, on April 17, 2003 the Draft Law on Protection against Domestic Violence was submitted to the National Assembly. “Different political parties were lobbied for their support for the draft in the parliamentary committees. Other women’s NGOs like Demetra and Women’s Alliance for Development became part of the lobbying at the Parliament campaign, collected signatures for the adoption of the law. Upon the invitation of the Bulgarian Gender Research Foundation, in May and in November, representatives of Minnesota Advocates for Human Rights visited Bulgaria for events that took place in the parliament, the government

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93 Regular Report from the Commission on Bulgaria’s Progress towards Accession, 2000:20

94 Regular Report from the Commission on Bulgaria’s Progress towards Accession, 2001:21

95 Regular Report from the Commission on Bulgaria’s Progress towards Accession {COM(2002) 700 final} (Brussels, 9.10.2002 SEC(2002) 1400):34

96 National Center for Public Opinion. 2003. *Общественото мнение за домашното насилие*. [Public Opinion on Domestic Violence]. National Centre for Public Opinion Polling, March 2003.

institutions and the media, and the judges”.<sup>97</sup>

Primary sources:

- April 17, 2003 the Draft Law on Protection against Domestic Violence submitted to the National Assembly. The leading Committee was the Legal Issues Committee. <http://kzg.parliament.bg/bills/39/354-01-22.pdf>
- 11. 09. 2003. Debates on the Draft Law on Protection against Domestic Violence in the Legal Issues Committee.
- 2. 10. 2003. Debates on the Draft Law on Protection against Domestic Violence in the Human Rights and Religions Committee.

During the year NGOs continued their efforts to help and support the victims of domestic violence. In 2003, a pilot project for cooperation with the police helping the victims of gender violence started, initiated by the Bulgarian Gender Research Foundation and financed by the Open Society Institute. At the end of 2003 the work of the shelter under the protection of Nadja Centre Foundation had to be suspended due to increased difficulties regarding funding and the lack of legal regulation for the support of the institutions. Although with the financial support of the German Committee World Day of Pray, the Nadja Centre carried out a one year project: “Hot-line for former victims of violence”.

Source:

- COMMISSION ON HUMAN RIGHTS. Fifty-ninth session. Item 12 (a) of the provisional agenda. INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE VIOLENCE AGAINST WOMEN. Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights Resolution 2002/52. International, regional and national developments in the area of violence against women. 1994-2003. [http://www.hri.ca/forthecord2003/documentation/commission/e-cn4-2003-75-add1.htm#\\_ftn1](http://www.hri.ca/forthecord2003/documentation/commission/e-cn4-2003-75-add1.htm#_ftn1)

## **Trafficking in women**

### *Legislation on countering trafficking in human beings in 2003*

The Act on Countering Trafficking in Human Beings adopted in 2003, provides a definition of ‘trafficking’ and introduces measures to prevent trafficking, to improve coordination between state bodies and NGOs, and to protect victims of trafficking in human beings. Guidelines for dealing with cases of violence against women existed for journalists and police personnel. Special codes of conduct for dealing with domestic violence cases were under elaboration by the Ministry of Interior.

Primary sources:

- The Act on Countering Trafficking in Human Beings (adopted in 2003 and in force since January 2004)

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<sup>97</sup> The Law on Protection against Domestic Violence in Bulgaria: Insights and History 5/31/2005 3:55. Contributed by: Genoveva Tisheva- Managing Director of the Bulgarian Gender Research Foundation

### *The position of the NGOs*

The Women's Alliance for Development prepared a Position with conclusions and recommendation based on the information from state and non-government institutions, working on the problems of trafficking in human beings, especially women and children.

Source:

- Position of the Women's Alliance for Development. WAD Bulletin 12/2003. [http://www.women-bg.org/docs/Bulletin\\_12.pdf](http://www.women-bg.org/docs/Bulletin_12.pdf)

### *EU position*

The position of the EU, expressed in its Regular Report in 2003, re-affirmed the fact that “trafficking in human beings – especially women and children for the purpose of sexual exploitation continues to be serious problem in Bulgaria, which is a country of origin, transit and to a lesser extent destination”<sup>98</sup>. The report noted that the newly adopted Law on Countering Illegal Trafficking in Human Beings was “drawn up in line with the UN Convention against transnational crime and its supplementing Protocol to prevent, suppress and punish trafficking in persons, especially women and children”<sup>99</sup>.

Source:

- Regular Report on Bulgaria’s progress towards accession (2003)

### **Sexual abuse**

The Government approved a National Action Plan (2003-2005) against sexual exploitation of children for commercial purposes. It envisages the holding of seminars for teachers, school psychologists, parents, police officers, judges, prosecutors, particularly on the risks of sexual exploitation related to the Internet. The Plan intended to establish new specific services addressed to the children and families, particularly those in risk situations, such as consultative and crisis centres. A leading role in this respect is assigned to the Department for Child Protection with the Directorates for Social Assistance and other providers of social services, registered under the Law on Social Assistance, the aim being the prevention of additional child-victim abuse, their full recovery and reintegration into society.<sup>100</sup>

Source:

- National Action Plan (2003-2005) against sexual exploitation of children for commercial purposes

### **Rape**

*A Case of rape at the European Court 2003 “M.C. v. Bulgaria”*

On March, 2, 2003 a Bulgarian citizen won the case<sup>101</sup> for rape in the European Court of

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98 Regular Report from the Commission on Bulgaria’s Progress towards Accession, 2003:20

99 Regular Report from the Commission on Bulgaria’s Progress towards Accession, 2002 :21

100 Council of Europe's Steering Committee for Equality Between Men and Women. 2004. *Legislation in the Member States of the Council of Europe in the Field of Violence Against Women*, prepared in part by Jill Radford, United Kingdom, for the Council of Europe's Steering Committee for Equality Between Men and Women, March 2004 (Doc. EG 2004 2).

101 On the Section “Adequacy of the criminal law and practice in providing protection against rape”.

Human Rights in Strasbourg. In 1995, being 14 years old, she was raped and despite the medical certification and evidence, the prosecutor did not raise a charge against the perpetrators.

Source:

- European Court of Human Rights. 4.03.2003. Case of M.C. v. Bulgaria. Application No 39272/98.  
[http://www.coe.int/T/E/Legal%5FAffairs/Legal%5Fco%2Doperation/Fight%5Fagainst%5Fsexual%5Fexploitation%5Fof%5Fchildren/1\\_pc-es/CASE%20OF%20MC%20v.%20BULGARIA.pdf](http://www.coe.int/T/E/Legal%5FAffairs/Legal%5Fco%2Doperation/Fight%5Fagainst%5Fsexual%5Fexploitation%5Fof%5Fchildren/1_pc-es/CASE%20OF%20MC%20v.%20BULGARIA.pdf)

### **Sexual harassment in the workplace**

At a conference in October 2003, the trade unions and the professional organisations discussed a survey on violence in the workplace in the health sector. The participants concluded that “there are no effective specific strategies and activities for addressing violence at the workplace, either in the health institutions or on the institutional and national level in Bulgaria”<sup>102</sup>. It was decided that a follow-up action plan should be launched to “address the problem, including: proposals for amendments to current labour legislation and some other specific laws; embedding the issue of violence in the social dialogue and collective bargaining agenda at all levels; and risk assessment, intervention and monitoring”<sup>103</sup>. Another relevant document says that “The European Union has required its Member States to make a similar reversal of the burden of proof in civil sex discrimination cases (including sexual harassment cases). Bulgaria and the Czech Republic, two of the countries in the CEE/FSU region that will soon accede to the European Union, have already passed legislation complying with the [1997 European Union Directive](#) on this subject in 1999.”

Sources:

- International Labour Office ILO, International Council of Nurses ICN, World Health Organisation WHO, Public Services International PSI, Joint Programme on Workplace Violence in the Health Sector. WORKPLACE VIOLENCE IN THE HEALTH SECTOR. CASE STUDY BULGARIA. GENEVA 2003. (69 pages) [www.icn.ch/SewWorkplace/WPV\\_HS\\_Bulgaria.pdf](http://www.icn.ch/SewWorkplace/WPV_HS_Bulgaria.pdf)
- Nadezhda Daskalova. 13-11-2003. Social partners discuss violence at the workplace. <http://www.eurofound.europa.eu/eiro/2003/11/inbrief/bg0311202n.html>
- Barriers to Effective Enforcement of Sexual Harassment Law. [http://www.stopvaw.org/Barriers\\_to\\_Effective\\_Enforcement\\_of\\_Sexual\\_Harassment\\_Law.html](http://www.stopvaw.org/Barriers_to_Effective_Enforcement_of_Sexual_Harassment_Law.html)

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102 Nadezhda Daskalova. 13-11-2003. Social partners discuss violence at the workplace. <http://www.eurofound.europa.eu/eiro/2003/11/inbrief/bg0311202n.html>

103 Nadezhda Daskalova. 13-11-2003. Social partners discuss violence at the workplace. <http://www.eurofound.europa.eu/eiro/2003/11/inbrief/bg0311202n.html>

### **Domestic violence**

On June 30, 2004, the Draft Law on 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 provides a legal definition of the term 'domestic violence'.

Ms Tisheva, the managing Director of the Bulgarian Gender Research Foundation wrote:

*With this new law, the State recognizes the importance of combating domestic violence in Bulgarian society, and by that confirms that violence within the family and the partnership is no longer a private but a public concern. The fact that a law was adopted separate from the Family Code means that the relations regulated by this law go beyond family relations. In fact, the circle of the persons protected is now much broader. (The Law on Protection against Domestic Violence in Bulgaria: Insights and History 5/31/2005 3:55. Contributed by: Genoveva Tisheva - Managing Director of the Bulgarian Gender Research Foundation ).*

Primary sources:

- 29.04.2004. Discussion on the Draft Law on Protection against Domestic Violence in the Parliamentarian Committee on Legal Issues
- 30. 06. 2004. First reading of the Law on the Protection against Domestic Violence
- 14. 10. 2004. Discussion on the Draft Law on Protection against Domestic Violence in the Parliamentarian Committee on Legal Issues.

Secondary sources:

- The Law on Protection against Domestic Violence in Bulgaria: Insights and History 5/31/2005 3:55. Contributed by: Genoveva Tisheva- Managing Director of the Bulgarian Gender Research Foundation.

### *European context of the legislation*

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. Bulgarian law needs to deal with the elimination of domestic violence also as it is an element of equal treatment policy, which is otherwise regulated also by the EU. In many of the EU member states special laws have been adopted on protection against domestic violence.<sup>104</sup>

### **Sources:**

- Open Society Institute. 2005. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York:

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104 Open Society Institute. 2005. Equal opportunities for women and men: monitoring law and practice in new member states and accession countries of the European Union. New York: OSI. [http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502/](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/) (accessed 20 March, 2007)

OSI.[http://www.soros.org/initiatives/women/articles\\_publications/publications/equal\\_20050502/](http://www.soros.org/initiatives/women/articles_publications/publications/equal_20050502/) (accessed 20 March, 2007)

- Council of Europe's Steering Committee for Equality Between Men and Women. 2004. Legislation in the Member States of the Council of Europe in the Field of Violence Against Women, prepared in part by Jill Radford, United Kingdom, for the Council of Europe's Steering Committee for Equality Between Men and Women, March 2004 (Doc. EG 2004 2).
- BGR42384.E. 02 March 2004. Bulgaria: Domestic violence and spousal abuse; protection available to victims; recent government legislation and/or initiatives to combat (2003-2004)
- <http://www.irb-cisr.gc.ca/en/research/rir/?action=record.viewrec&gotorec=414478>

#### *Other NGO initiatives regarding domestic violence in 2004*

The initiative of the Bulgarian Gender Research Foundation together with the Sofia Police Department resulted in opening a centre helping the victims of domestic violence and sexual abuse. "Sustainable cooperation between police and NGOs in Sofia and Plovdiv" was another project of the Bulgarian Gender Research Foundation at a local level. The Project was implemented in the framework of the Community Policing Strategy and was funded by the Open Society Institute – Sofia and Canadian Agency for International Development (CIDA). It aimed to establish "safety places" for providing first consultation from lawyers and police officers to victims of domestic violence. There were also working meetings with representatives of the Police to discuss the necessity of legal changes in order to ensure effective protection to victims of DV and sexual crimes; drafting new legal provisions Monitoring of Police departments in cases of DV and sexual crimes; and organising seminars for representatives from the Police, national institutions and local authorities.

Sources:

- 2004. Centre of Women's Studies and Policies. Regional Newsletter "Stop Violence against Women".

#### *Honour related violence (HRV)*

The issue of HRV was raised for the first time.

Source:

- Pilot study on HRV /honour related violence/ in Bulgaria - the challenge for intervention institutions. Prepared by the Bulgarian Gender Research Foundation (BGRF) under a joint project with Kvinnoforum, Sweden "Prevention of violence against girls and women in patriarchal families" within the framework of the Transnational Exchange Programme Phase II. 1 November 2004 (29 pages) [http://www.bgrf.org/en/download/plot\\_study\\_on\\_hrv.pdf](http://www.bgrf.org/en/download/plot_study_on_hrv.pdf)

#### **Trafficking in women**

The 6<sup>th</sup> Annual Women's NGOs Meeting in 2004 discussed the issue of trafficking in human beings with the representatives from the Ministry of Justice with regard to the newly adopted

Act on Countering Trafficking in Human Beings.

- 2004. Record of the Meeting Sessions.  
[http://cwsp.bg/upload/docs/NNEO\\_presentation\\_WAD\\_2004.pdf](http://cwsp.bg/upload/docs/NNEO_presentation_WAD_2004.pdf)

Providing help and shelters for victims of trafficking falls within the purview of the Bulgarian government's victim assistance framework. In 2004, the Regulation Centres for Protection and Help for the Victims of Illegal Traffic of People was adopted. There were five shelters under the authority of the Ministry of the Interior specifically for minors, including street children, juvenile delinquents and trafficking victims.

Primary source:

- Regulation Centres for Protection and Help for the Victims of Illegal Traffic of People 2004

#### *NGOs activities*

In June, 2004 the project of Animus Foundations started, aiming to elaborate an alternative approach towards trafficking in women, considering the national cultural and social specificities, financed by the Canadian International Development Agency. Another six month project: "Medical Aspects of Trafficking in Women", financed by Centre for Women's Studies and Policy, was implemented by the Nadia Centre.

In July 2004 the publication "Trafficking in Human Beings - The Bulgarian Reply" was released, produced under the project "Combating Child Prostitution and Trafficking", USAID Pilot Project on Child Labour in Ruse, Bulgaria. The project has been implemented by Creative Associates International Inc. in collaboration with 5 Bulgarian NGO's.

Source:

- July 2004. "Trafficking in Human Beings - The Bulgarian Reply", produced under the project "Combating Child Prostitution and Trafficking", USAID Pilot Project on Child Labour in Ruse, Bulgaria. [www.women-bg.org/docs/Trafik\\_humanen.pdf](http://www.women-bg.org/docs/Trafik_humanen.pdf)

The International Organization for Migration (IOM) has supported the Ministry of the Interior's renovation of the shelter in Sofia and has created two special rooms for boys and girls who have been trafficked abroad and returned through IOM assistance. During their temporary stay at these shelters, minors who are victims of trafficking are offered special police protection, after which they are relocated to other shelters under the jurisdiction of the Ministry of Education, which runs shelters for children without parental care.

Source:

- International Organization for Migration. 2005. Second Annual Report on Victims of Trafficking in South-Eastern Europe. Prepared by Rebecca Surtees [http://www.old.iom.int/DOCUMENTS/PUBLICATION/EN/Second\\_Annual\\_RCP\\_Report.pdf](http://www.old.iom.int/DOCUMENTS/PUBLICATION/EN/Second_Annual_RCP_Report.pdf) (accessed 20 March, 2007)

The EU reported that "Bulgarian's anti-trafficking legislation underwent considerable improvements over the past years", mentioning the amendments to the Penal Code made in

2002, but the conclusion is “the number of the convictions remain limited” and a “solid witness protection scheme is still inexistent”. Such a scheme, according to the report, “should be in line with EU best practices regarding the approach to victims”<sup>105</sup>. The report acknowledged the crucial role of the NGOs in the “prevention and social integration of the victims” and “the growing awareness of the national authorities over the past years”<sup>106</sup>.

Sources:

- Regular Report on Bulgaria’s progress towards accession {COM(2004) 657 final}(Brussels, 6.10.2004 SEC(2004) 1199).

## 2005

### Domestic violence

“The Law on Protection against Domestic Violence was finally adopted at its second reading on 16 March 2005. In this process, the role of the staff of the BGRF and of the lawyers from the network of lawyers on domestic violence, as well as the support of partner NGOs and the media were all crucial. The contribution of international partners and donors was very important, as well.”<sup>107</sup>

Primary source:

- The Law on Protection against Domestic Violence in Bulgaria: Insights and History 5/31/2005 Contributed by: Genoveva Tisheva- Managing Director of the Bulgarian Gender Research Foundation. <http://www.stopvaw.org/31May20055.html>

### Trafficking in women

The National Program for Prevention and Counteraction to Trafficking in Human Beings and Protection of the Victims for 2005<sup>108</sup> was adopted in accordance with the Combating the Trafficking in Human Beings Act and with the international standards and obligations of the Republic of Bulgaria towards accession to European Union.

Primary sources:

- National Program for Prevention and Counteraction to Trafficking in Human Beings and Protection of the Victims for 2005.

### Trafficking for sexual exploitation

The issue of trafficking for sexual exploitation was debated at different government and non-government levels in 2005. A working group of the State Agency on Child Protection together with representatives from the Animus Foundation and tourist industry discussed the issue at a conference; as a result, a Code of Conduct for the prevention of trafficking in children and

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105 Regular Report on Bulgaria’s progress towards accession {COM(2004) 657 final}(Brussels, 6.10.2004 SEC(2004) 1199): 21.

106 Regular Report on Bulgaria’s progress towards accession {COM(2004) 657 final}(Brussels, 6.10.2004 SEC(2004) 1199): 22.

107 The Law on Protection against Domestic Violence in Bulgaria: Insights and History 5/31/2005 Contributed by: Genoveva Tisheva- Managing Director of the Bulgarian Gender Research Foundation. <http://www.stopvaw.org/31May20055.html>

108 <http://stopech.sacp.government.bg/file.php?fid=192>

sexual abuse in tourism was signed in May.

Source:

- Code of Conduct for the prevention of trafficking in children and sexual abuse in tourism, May, 2005.

The Bulgarian Gender Research Foundation implemented a joint project between the European Women's Lobby and the Coalition against Trafficking in Women (CATW) to promote preventative measures in combating trafficking in human beings for sexual exploitation.

In 2005, the Nadja Centre carried out an eight month project, "For a better common response by the non-governmental and governmental organizations to the trafficking in human beings: preventive actions in four Bulgarian regions", financed by the British Embassy, Sofia.

#### *Trafficking of mothers and newborn babies*

The EU comprehensive monitoring report paid attention to the internal trafficking of Bulgarian women. The phenomenon of *trafficking of newborn babies* was also mentioned in the report as there were cases reported during 2005. Again, the issue of the effective protection of victims was raised, despite the adopted legislation on witness protection in 2005. Due to "insufficiency of governmental activities"<sup>109</sup> the tendency reported in previous years on the leading role taken by NGOs in prevention and assisting the victims remained.

Source:

- 2005 – Comprehensive Monitoring Report Bulgaria. {COM (2005) 534 final} Brussels, 25 October 2005 SEC (2005) 1352

### **Prostitution**

#### *Debates on prostitution: government and NGO positions*

The Bulgarian Women's Lobby published on 14 June 2005 its Official Position as an answer to the position of Minister of Justice Mr Georgi Petkanov, expressed in the "Monitor" Newspaper on July 29 2005.

Sources:

- 29-06-2005. "I am able to write a Law regulating the prostitution in 24 hours". An interview of Georgi Petkanov, Minister of Justice. "Monitor" Newspaper.
- 14-07-2005 An Open Letter to the Minister of Justice Georgi Petkanov from the Bulgarian Women's Lobby in response.  
<http://dnesplus.com/publication.asp?pubid=93371>

### **Sexual harassment**

In February 2005, the trade unions and employers in Bulgarian healthcare, along with the government, held a national workshop on workplace violence in the sector, as part of the follow-up to an international programme on the issue. A follow-up survey on workplace

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109 2005 – Comprehensive Monitoring Report Bulgaria. {COM (2005) 534 final} Brussels, 25 October 2005 SEC (2005) 1352: 12

violence in the health sector was conducted by the Institute for Social and Trade Union Research in December 2004-January 2005, using a questionnaire developed by the joint programme, with the aim of assessing the present situation in the sector and evaluating the impact of the framework guidelines.

Source:

- Daskalova, Nadezhda. 16-03-2005. Tripartite workshop highlights workplace violence. <http://www.eurofound.europa.eu/eiro/2005/02/feature/bg0502203f.html>

In October, 2005 the Penal Procedural Code was amended (in force 29.04.2006), to provide guarantees for equal treatment of women and men by the courts, including special protection against violation of women's sexual inviolability.

## 2006

### Domestic violence

In the adopted National Action Plan for Promotion of Gender Equality for 2005, Section 7 integrates the issues of domestic violence and traffic in humans. But, the subsections were devoted exclusively to the measures against domestic violence and the newly adopted Act on Domestic Violence. The envisaged measures included media and information campaigns, provisions of permanent control of measures which fight against domestic violence and an integrated scheme supporting the victims of domestic violence. An important part of the Plan was the creation of a task force from administrative representatives of central, regional and local level and non-governmental organisations. There is no evidence at the present of the existence of such a structure.

Primary source:

- 24.07.2005. National Action Plan for Promotion of Gender Equality for 2006. [Национален план за действие за насърчаване на равнопоставеността на жените и мъжете за 2006 г.] (9 pages). [www.mlsp.government.bg/equal/bglaw.asp?id=279](http://www.mlsp.government.bg/equal/bglaw.asp?id=279)

On October, 19, 2006 the Program for Prevention and Protection against Domestic Violence for the period 2007-2008 was adopted by the Council of Ministers, regulating state participation, including training programmes for civil servants, providing shelters for victims at the local level and raising public awareness on the issue. The programme was adopted, according to the provisions in the Act against Domestic Violence and in compliance with the Opinion of the European Economic and Social Committee on Domestic violence against women (2006/C 110/15)110.

According to the Program, "each district centre will have shelter rooms for victims of domestic violence and 270.000 BGN (appr. 138,000 euros) has been set aside by the state to support the operation of these shelters – but it is too early to tell when these shelters will open. There are 16 telephone hotlines operated by women's NGOs providing psychological

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110 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:110:0089:0094:EN:PDF>

and legal assistance for women victims of violence in different cities and towns in Bulgaria. None of these are free of charge.”<sup>111</sup>

Primary source:

- 19.10.2006. Programme for Prevention and Protection against Domestic Violence. 2007-2008.

Secondary source:

- Open Society Institute. 2006. Violence Against Women. Does the Government Care in Bulgaria? Fact Sheet 2006. [http://www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/BULGARIA\\_VAW\\_FACT\\_SHEET\\_2006.pdf](http://www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/BULGARIA_VAW_FACT_SHEET_2006.pdf)

### *Bulgarian engagements with EU policy*

08.12.2006 The National Assembly adopted a Declaration supporting the Council of Europe Campaign “Parliamentarians united in fighting the violence against women, including domestic violence”.

Source:

- Debates on adoption of the Declaration of the National Assembly concerning Council of Europe Campaign to Combat Violence Against Women, Including Domestic Violence.  
<http://www.parliament.bg/print.php?page=plSt&lng=bg&SType=show&id=236>

### **Trafficking in women and children**

First of the listed in “Other issues which needed further progress in May 2006”, in the Monitoring report on the state of preparedness for EU membership of Bulgaria was the issue of trafficking in human beings. The report stated that “limited progress has been made with regard to trafficking in human beings”<sup>112</sup>. Pregnant women have been trafficking to have babies abroad and this process has not been halted, according to the report. It also stressed the structural struggles in implementation of the rules of the Law on Countering the Illegal Trafficking in Human Beings. There was still no functional office for the National Anti-trafficking Commission, as envisaged in the Law. A year after the adoption of the Law on the Protection of Individuals Endangered in relation to Criminal Proceedings, its implementation has been limited. The report noticed that “Bulgaria has not yet signed the Council of Europe Convention on the Fight Against Trafficking in Human Beings”<sup>113</sup>.

Source:

- Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania (Brussels, 26.9.2006 COM(2006) 549 final)

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111 Open Society Institute. 2006. *Violence Against Women. Does the Government Care in Bulgaria? Fact Sheet 2006.* [http://www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/BULGARIA\\_VAW\\_FACT\\_SHEET\\_2006.pdf](http://www.stopvaw.org/sites/3f6d15f4-c12d-4515-8544-26b7a3a5a41e/uploads/BULGARIA_VAW_FACT_SHEET_2006.pdf)

112 Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania (Brussels, 26.9.2006 COM(2006) 549 final): 20

113 Monitoring report on the state of preparedness for EU membership of Bulgaria and Romania (Brussels, 26.9.2006 COM(2006) 549 final): 20

In August, 2006, amendments to the Penal Code which defined the trafficking of pregnant women aiming at trade in babies as a specific crime.

The Act on Assisting and Compensating Survivors of Crimes (including victims of rape and trafficking in human beings) was discussed by the Council of Ministers in October 2006 and in front of the Parliament for adoption. There are services available to victims of violence but these are provided mainly by NGOs and their number is insufficient.

Primary sources:

- Draft Act on Assisting and Compensating Survivors of Crimes (including victims of rape and trafficking in human beings) 2006

The Ministry of Interior and the Ministry of Education organised and ran a new Program for Prevention of Criminality towards Children and the Youth, starting from January 2006. The second month of the program was dedicated to the prevention of trafficking and young people from the whole country were introduced to the work of border police in the field of trafficking, and trafficking in women particularly.

Sources:

- Program for Prevention of Criminality towards Children and the Youth. January 2006

## **Prostitution**

Within the framework of the Discussion Forum of the Bulgarian Coalition on Gender Equality, a discussion, prepared and hosted by the CWSP, was held on the 27 February 2006. The participants – representatives of the legislature, NGOs, academics and media- discussed the legal, health, social security and tax aspects of the problems related to the legalization of prostitution. The discussion was focused on the questions if and to what extent the Bulgarian society is ready for prostitution legalization, if there is a need of such law at present and what the possibilities are for effective legal reform. An advisor to the Parliamentary Standing Committee on Children, Youth and Sports announced that the Committee has not started drafting the law yet. At this stage, its work is concentrated on the preliminary survey on best practices and legislations in other countries. She stated that the sessions of Committee are open for the public. In this respect, the participants in the discussion declared their interest to participate in a meeting focused on this subject, organized by the Commission with representatives of the executive and NGOs.

Sources:

- Dimova, Rosa. 2006. Aims and approaches of legal regulation of prostitution. Centre of Women's Studies and Policies.
- Kojuharova, Najia. 2006. Models of legalisation of prostitution and the risk of violence and exploitation: legalisation of prostitution – prevention or source of violence? Animus Association Foundation.  
[http://cwsp.bg/upload/docs/on\\_prostitution\\_BG.pdf](http://cwsp.bg/upload/docs/on_prostitution_BG.pdf)
- Galabov, Antony. 2006. Is there a political will for adopting an Act regulating prostitution? Institute of Sociology, Bulgarian Academy of Science  
<http://cwsp.bg/upload/docs/galabov.pdf>

*The Penal Code Amendments 2006. (The “Vanko 1 Amendment”<sup>114</sup> Case)*

According to the new amendment in 2006, the punishment of some cases of forced prostitution was decreased to 3 years of imprisonment and a 500 - 1500 EURO fine penalty. A deputy, Ms Doncheva, from the Bulgarian Socialist Party was accused of initiating and lobbying for the amendments. The adoption of the amendments to the Penal Code in 2006 was widely criticised by the public and in the media.

Primary sources:

- Draft Law on the Amendments to the Penal Code from (completed with Draft Laws No. 654-01-49, No. 654-01-86, No. 654-01-89)  
<http://www.parliament.bg/bills/40/654-01-86.pdf>
- Debates on the Draft Law. Plenary Session. Adopted in first reading.
- Discussion on the Draft in the Committee on Legal Issues on the amendments to the Penal Code, adopted in the first reading at the plenary session.  
<http://www.parliament.bg/?page=ns&lng=bg&nsid=5&action=show&Type=cmSteno&SType=show&gid=156&id=388>

The Chairperson of the National Assembly Mr Georgi Pirinski admitted: “it was the most unforgivable lapse”<sup>115</sup> of the work of the Parliament in 2006. In 2007, amendments to the Code were made again to correct it.

## 2007

*NGOs involvement in the discussion of the legalisation of prostitution 2007*

In 2007, the agenda for women's NGOs at the 9<sup>th</sup> Annual Meeting (9.03.2007) was the preparation of the legislation regulating prostitution.

Sources:

- Debates on the future legislation regulating prostitution. (record)

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114 The “Vanko 1” Amendment is the amendment to the Penal Code made in 2006 in which the punishment for forced prostitution was decreased. After the adoption of the amendment, it was called after Ivan Glavchev (a Bulgarian rap singer), sentenced to prison for the period of 12 years. He was discharged from prison after 3 years. There were much media and public commentaries that the amendment was made particularly for his case. Because of the amendment, another convicted of the same charges, another pop-folk singer, was also released.

115 18.12.2006. “SEGA” Newspaper: <http://www.segabg.com/online/sect.asp>

## Conclusions

### Relative importance of the topics in the three issues and in generic gender equality policies

#### Generic gender+ equality policies

Generic equality policies in Bulgaria were not part of the national political agenda in general. There has been no political will for adopting legislation on equal opportunities of women and men. The attempts for it were twice rejected at the National Assembly. The policy shift to anti-discrimination law in 2002 made the future efforts even harder. Even the implemented two Action Plans on Promotion of Equal Opportunities of Women and Men (2005-2006) were predestined to failure due to the preliminary lack of funding for the envisaged activities. The establishment of the Equal Opportunities Department at the Ministry of Labour and Social Policy was considered as sufficient institutional condition for the government policy on the issue of gender equality, but its present existence has shown no sign of any significant activity in policy making.

#### Non-employment

The most recent debates related to the issue of non-employment are focused on two major sub-issues. The employment promotion strategies and action plans have been the priority of the Ministry of Labour and Social Policy and they targeted the problems of poverty and unemployment. The other important priority is the regulation of the benefits for child-care. The sub-issues of reconciliation of work and family life and care work are so strongly dominated by the traditional approach on women's roles in the Bulgarian society that at present the reconciliation issue cannot reach the public debate. The sub-issue of equal pay was considered as legally regulated which keeps the problem of “feminised” (depreciated) professions out of the policy attention.

#### Intimate-citizenship

Bulgaria still has a socialist Family Code (1986) and all the sub-issues concerning marriage relations and civil partnership are debated within the framework of its future amendments. In recent years, the women's NGOs have made efforts to raise the discussions on the urgent need for adopting a new Family Code. The sub-issue of reproductive assistance, very new to Bulgarian society, fast became visible to the public due to its legal regulation in 2004 and by the efforts of informal and organised groups of interests.

#### Gender based violence

Domestic violence was the most debated sub-issue within gender based violence with the active participation of the civil society and the representatives at the legislative level until the time of the adoption of the Law against Domestic Violence in 2005. The other sub-issue of trafficking in women was insufficiently emphasized within the general issue of “trafficking in human beings”, both in the national level policies and in terms of international influences. The issue was regulated by the adoption of the Law on Trafficking in 2003. At present (2006-

2007) intensive debates in the issue of gender based violence are mostly focused on the legal regulation of prostitution and the character of the future legislation on it.

## **Major changes in gender+ equality policies, generally and in the three sub-issues**

### General gender+ equality policies

During the transition period, gender equality policies in Bulgaria have run through two major shifts. The first effort of engaging the public policies in gender equality issues was influenced by the Beijing process, started in 1996. The second one, again influenced by an international factor –the EU accession process, intensified in the early 2000s. The shift to general anti-discrimination law came after 2002.

### Non-employment

Unemployment and employment promotion Act of 1998 marked the shift of the state policies towards the issue unemployment. In 2000 the process of restructuring the social security and health insurance systems influenced tax/benefit policies. The adoption of the new Law on Employment in 2001 and the Action Plans on Employment (2001-2007) developed the programmes on employment and access to the labour market. Child-care benefits have been debated from 2004. The amendments to the Labour Code in 2006 provided some legal grounds for part-time and fixed-time work regulation.

### Intimate Citizenship

After the amendments to the Penal Code in 2002 homosexuality was decriminalized and in 2005, amendments to the Act on Protections against Discrimination included “discrimination based on sexual orientation”. The recent debates in 2006-2007 are focused on the sub-issues of civil partnership and marriage and the amendments to the Family Code.

### Gender based Violence

The first policy shift towards the issue of gender based violence was the adoption of the Law on Trafficking in 2003. In 2005 after years of debates and lobbying the Act on Violence against Women was made in 2005. At present, in 2007 there has been a policy shift towards a focus on the sub-issue of prostitution and its regulation.

## **Civil society and political forces**

### General gender+ equality policies

Both left and right wing political parties during the years have participated in drafting and introducing the Act on Equal Opportunities for Women and Men. Although there are women's committees in almost every big party, they had no impact on the policies. The participation of women's NGOs in the general gender policy debates has dispersed in different gender

equality sub-issues, which was, in large part, an effect of the donor's policies during their activities in 1990s and the beginning of 2000s.

#### Non-employment

- Trade unions and employers' organisations have debated on various employment policies, including the government policy that concerns the implementation of the 2001 EU social policy framework programmes.

#### Intimate Citizenship

- In recent years women's NGOs have consistently tried to promote the adoption of a new Family Code.
- The Presidency, supported recently by the Social and Economic Council, elevated the public debates on family issues to general population policies of demographic development.
- The lack of strong and active organisations to support homosexual rights in Bulgaria resulted in the absence of public policies.

#### Gender based Violence

- The Bulgarian Gender Research Foundation has been the most active actor in the process of drafting and adoption of the Law against Domestic Violence, along with other NGOs working exclusively in the field of violence against women.
- The EU and other international organisations influenced the adoption of legislation on trafficking in human beings.
- Women's NGO, the tourist industry and experts from the Ministry of Justice and Ministry of Interior have been defending their positions in the contemporary debate on the legalisation of prostitution.

### **Impact of the EU**

#### General gender equality policies

The EU accession process not only advanced, but has had the most influence on national gender equality policies.

#### Non-employment

The EU Directives have been transposed in the field of social policy and employment.

#### Gender based violence

The EU again influenced the policies on trafficking in women as part of the trafficking in human beings issue.

#### Intimate-citizenship

The adoption of domestic anti-discrimination law and decriminalisation of homosexuality have been legislative activities totally influenced by the international pressure emerging in the process of EU accession.

**Impact of other international bodies**

The Committee on Elimination of All Forms of Discrimination against Women

The Committee on Economic, Social and Cultural Rights

The Human Rights Committee

UNDP WID Program in Bulgaria

UNFPA in Bulgaria

Open Society Institute, Sofia

European Women's Lobby

Minnesota Advocates for Human Rights

Foreign Embassies' funding programmes

International Labour Organisation

World Health Organisation