



Quality in Gender+ Equality Policies

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Report Analysing Intersectionality in Gender Equality Policies for Bulgaria and the EU

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1. Introduction

The report presents the issue of intersectionality in Bulgaria and tries to answer the key question for the STRIQ part of the QUING project, namely: what are the implications of the intersection of multiple inequalities for the quality of gender+ equality policies.

By reviewing the analytical concepts on the issue of intersectionality, the first chapter of the report sets the leading research questions for STRIQ:

- How are inequalities and their intersections conceptualised in terms of their structure and mechanisms?
- To what extent does context matter in the (re)production of inequalities across Europe?
- What attention must be paid to other structural (in)equalities in the making and implementing of European gender equality policies?

The literature review chapter also sets few additional questions for investigation which concern the contextual specifics of the policies in Bulgaria, a major part of which pays attention to the post socialist character of the country, and its importance for the policies during the transition, and to the EU accession process as the greatest influence on the adoption of new legislation and new institutional establishments in the field of the gender+ equality policies.

The third chapter of the report uses the information from the issue histories report and the country context study in identifying the timeline of the legislation and the institutional transformation in order to find significant 'turning points' in the treatment of intersectionality in gender equality policies. It outlines some of the important structural prerequisites of the relation between gender and other inequalities in the gender+ equality policies.

The fourth chapter of the report takes a closer look at the coded documents and by using the document analysis it provides empirical outputs on various definitions of "gender equality" and the way that gender equality is de-gendered. By conceptualisation of the forms of inequalities as they are constructed in the policy documents, the analysis provides grounds for the definition of the range of meanings or frames of intersectionality for the four QUING issues – general gender equality, non employment, intimate citizenship and gender based violence, and their comparison.

The fifth chapter of the report explores the range of meanings of intersectionality and the dynamics of their construction as analytical ground for conclusions on the possible implications of intersectionality for gender equality.

The sixth chapter draws conclusions from the research results and tries to answer the research questions addressed in the literature review.

2. Literature review

The literature review presents in brief the diverse theoretical approaches to intersectionality in order to outline the methodological prerequisites for the empirical study of the uses of “intersectionality”. Considering the specifics of the national context, it points out the definitions of terms that might indicate inequality intersections in the gender policy analyses for the four issues of general gender equality, non-employment, intimate citizenship and gender based violence.

“Intersectionality” against generalisation of the categories of social inequalities

The term “intersectionality” could be first recognised as a starting point of criticism against the generalisation of the categories defined by the concept of social inequality. Such a generalisation puts a single category of social inequality as structurally defining the identity of the social group through which it has been made visible and has been recognised. McCall points out that “no single dimension of overall inequality can adequately describe the full structure of multiple, intersecting, and conflicting dimensions of inequality” (McCall 2005: 1791). The process of generalisation has been possible because the different social inequalities have been constructed in such a way that the “naturalised” social concept of the inequality (at the gnoseological level) corresponds directly to the reality of the inequality (at the ontological level) which re-affirms the very existence of this particular social category, recognised as being objective. The naturalising narratives are culturally specific and certain naturalized categories can be emphasized more than others. Such is the case with the “obviously natural” category of age: in “cultural traditions the elderly are considered to be wise while in others the elderly can be constructed as in ‘second childhood’.” (YuvalDavis 2006).

There are at least three important implications which could be drawn from this. The first one comes the specific characteristic of the categories defining social inequalities – they constructed by a naturalised narratives. Secondly, being naturalised inequalities, they are recognised not only as objective in nature, but also become subjective in terms of social values and thus are accepted (Bourdieu 2001). They also “tend to homogenize social categories and to treat all who belong to a particular social category as sharing equally the particular natural attributes (positive or negative) specific to it.” (YuvalDavis 2006: 199). Thirdly, having in mind the “positive/negative” specifics of the categories of social inequalities, they attribute values to the different positions and thus “order” the inequalities in hierarchical structure: “... in specific historical situations and in relation to specific people there are some social divisions that are more important

than others in constructing specific positionings... This is, therefore, a case where recognition – of social power axes, not of social identities – is of crucial political importance” (YuvalDavis 2006: 203).

The separate basis of the inequalities

There are different approaches considering the focus on intersections of the categories and their hierarchical order. Earlier debates on different intersecting inequalities took into account the intersections of the social categories “gender and class” and “gender and ethnicity”. This kind of approach often defines “class” as the dominant category to the other noted categories “gender” and “ethnicity”. Looking for the basis of each category will help the understanding of their different ontological base. But what is evident in the example of the three categories – class, gender and ethnicity- is that they not only have separate bases upon which are socially constructed but also that class is not a socially naturalised category like the others. It has a very important meaning for the political use of the category and its intersection with other inequalities which should be analysed in the investigated policies. This approach could place every category by its position to a separate institutional domain but could not go further in the analysis of the intersectionality. “Individuals usually share the characteristics of only one group or dimension of each category defining their social position. The intersection of identities takes place through the articulation of a single dimension of each category. That is, the “multiple” in these intersectional analyses refers not to dimensions within categories but to dimensions across categories.” (McCall 2005) Therefore, the analytical approach needs to articulate what has been called “multiple” in intersectionality.

Inequalities (gender, race/ethnicity, sexual orientation and class) constituted in the different domains (labour, intimacy, citizenship)

Among the categories of inequalities above, it is gender that “is the most limited category of the four, commonly seen as having two positions that are perceived as originating in nature, in biology. Class, while being similarly dichotomous is a very different kind of category because it combines this dichotomy with a strong representation of its origin as ‘nurture’, as the result of historical patterns of education, ownership and exploitation” (Verloo 2006). But still, what implication for the analysis has the fact that class is legitimised as an inequality different from the “natural” character of other inequalities (gender, race/ethnicity and sexual orientation)? And being “not naturalised” as an inequality, it needs additional social definitions taken from a “real” inequality to become objectified and visible as an inequality at all. Moreover, what does it mean for the analysis of gender?

Inequalities (gender, race/ethnicity, sexual orientation and class) constituted across all domains (economy, polity, violence and civil society)

The dualism to choose between the approaches “within or across categories” could be overcome through the theoretical perspective of ontological depth, where instead of a single base to each set of social relations, “there is a much deeper ontology, including the full range of domains: economy, polity, violence nexus, and civil society. Within each domain (economy, polity, violence, civil society), there are multiple sets of social relations (e.g. gender, class, ethnicity)” (Walby 2007). The complexity of the intersectionality evokes an analysis where both sets of the social relations (class, gender, ethnicity) and the institutionalised domains of economy, polity, violence, and civil society, are distinguished as social systems.

The focus of analysis for the QUING project – quality of gender+ equality policies

The main focus of the QUING project is at the intersection of civil society and polity, since this is the location of the innovative development of quality gender+ equality policies. There are national specifics for each investigated EU country as well as a different level of EU influence and pressure regarding gender+ equality policies. In the case of Bulgaria being a post socialist country, these differences should be further considered in the light of its socialist heritage and the newly adopted legislation in correspondence with its EU membership. In particular, the empirical analysis of the documents will test the statement about the policies which are “no longer framed by issues of social justice, but reduced to issues of corporate productivity” (Squires 2008).

Legal concepts and instruments

During socialism different ideological paradigms towards the social positions of women were developed, but the important conclusion is the fact that the term gender was not used, it was totally substituted by the concept of “women”- being in a weaker position and also being a part of the so called “vulnerable groups” (young people, young families) which needed social protection by the state. The “vulnerability” was based on their role as an “active labour force” and these categories were not recognised as inequalities in the policies. Moreover, once defined as “vulnerable groups” they had to become “privileged groups”, actively participating in the major policies towards economic and demographic development. In that perspective, gender (women), age (fertility) and class (labour force) intersected in a dynamic social relation, dominated by the domains of economy and polity. The later outcome of these socialist policies in the post socialist years after 1989 was the wide spread consideration that “women” was a “privileged group” (with a negative connotation). This could partially explain the newest policy attempts to avoid the term “women” in the policies, the instrumental usage of intersectionality (in the old-new term of “risk group”) and the consistent tendencies to de-gender the issue of general gender equalities.

The EU accession process in the country intensified after 2000s. The analyses of the gender+ equality policies were written mainly by different NGOs and academic experts. They were focused on the necessity of legislation on gender equality and establishing new institutional mechanisms ensuring implementation of the newly adopted laws (OSI 2002; OSI 2005). Other analyses outlined the absence of the political will to put into effect the existing national and European policies of gender equality (Tisheva et al. 2006; Ilieva and Delinesheva. 2005). Compared with other post-socialist countries, the conclusion that these studies did not enter a qualitative discussion of the debates around the adoption of the policies (Dombos, Horvath, Krizsan 2007) is also relevant for the Bulgarian context of policy analyses.

The national context and specific concepts describing the term “intersectionality” through the term “risk groups” for the issues of non-employment, intimate citizenship and gender based violence

The policy analyses on general gender equality policies in general still lack the awareness of the different intersections of gender and other inequalities except for the common intersections of gender and class. The most important term that presents the model of intersectionality both in the policies and the policy analyses in Bulgaria is the term “risk groups”. This term appears in the policy analysis of the three issues of non-employment, intimate citizenship and gender based violence in a different perspective, mainly in the way the “risk” is defined as intersecting particular categories and the way the “risk” is related to their character as social inequalities.

Non-employment, “risk groups” and intersectionality. There is an obvious lack of investigation concerning non-employment. Often the studies on unemployment that take into account the gender aspect approach the issue emphasizing “the groups of risk” in which women are included and studying the impact of unemployment upon “marital and reproductive moods of unemployed people” (Mihova 2003). Other studies analyze the different general ongoing processes of transition and feminisation of poverty in Bulgaria; European integration and gender equality in the labour market; globalisation, etc. The problem of poverty is linked with ethnic minorities (Roma) and families with children, where these inequalities become dominant in their relation to gender. In the reviewed publications, studies about women's participation in the labour market and women's employment prevail and they reflect the dominant official discourse of policy making in the field relating gender and class.

Intimate citizenship, “risk groups” and intersectionality. The analytical approaches toward the issue of intimate citizenship confirm the impression of the invisibility of the intimacy since the problems of partnership are studied almost only in the perspective of

the family and demographic policies. Several publications place stress on the general tendencies and not on the gender dimensions of the problems. It is a fact that demographic crisis has been and still is the priority problem for the Bulgarian state policy. That could be of great importance explaining why the studies about partnership, parental and reproductive rights (conducted by the state institutions and academic organisations) differentiate women by their “fertility age” and are closely related to the problems of “lost values” of the traditional family. The demographic crisis itself opened a public debate about ethnicity, since the families from Roma and Turkish minorities in Bulgaria as a whole did not experience the drop in birth-rates, but an independent study (outside the governmental agenda) about these processes has not been conducted so far. The migration processes and their gender aspect are also framed in the official demographic discourse, which turned the negative notion of “brain drain” into the gendered concept “ovum drain”. The issue of sexual orientation and same-sex marriage is very little investigated. Even the NGOs working on gender equality do not consider these issues as part of their activity and these issues are studied occasionally only from a human rights’ perspective.

Gender-based violence, “vulnerable groups” and intersectionality

There is still a high level of tolerance toward the phenomenon of gender-based violence and particularly towards domestic violence. It is considered by half of the society in Bulgaria to be more of a private matter than a public policy concern (National Centre for Public Opinion 2003). Although there are NGOs at the national and local level which have already been working primarily in helping women who have experienced physical, sexual and psychological violence and have published practical guides and training materials, there are a limited number of analytical texts dedicated to the issue. Nevertheless, a few sociological studies on gender-based violence have been written (Zlatanova 2001). The policy analyses show differences in the tolerance for domestic violence in relation to location (villages/towns). They also outline the structural relation of domestic violence and poverty and unemployment. Although they do also confirm the dominant policy discourse, repeating and stressing the need for policies to “identify the most vulnerable and helpless groups / objects of violence”.

Equality bodies

After the gender equality legislation was partly harmonized with the EU, the issue of building institutional mechanisms for effective policies became one of the main focuses of the policy analyses. The situation described in the policy analyses is that the establishment of gender equality machinery is “a slow and painful process in Bulgaria”. The reasons for that are both objective and subjective and the formal equality concept inherited from socialist times is one of the main causes. There should be increased pressure from the EU institutions during the negotiation process for establishing the

gender equality machinery as part of this process (Ganeva and Tisheva, 2003). Women's NGOs continuously made claims that EU institutions had to monitor closely the implementation of the new adopted standards on gender equality and exert pressure on the government in the region to adopt a consistent gender equality policy and gender mainstreaming approach (Moulechkova et al. 2004).

Civil society

At the end of the 1990s a few non-governmental organisations began to work actively in the field of gender equality in Bulgaria with the available funding from different international organisations. It is possible to outline two major tensions among the civil society actors – women's NGOs, human rights NGOs and academia. These tensions are structured in part by the character of the organisations but they are also affected by the state policies.

Academia and NGOs. In academia, at about the same time, the social scientists working in different areas began to integrate a gender perspective into their research and part of this personal interest premised the special focus of the studies mainly in economics, demography and sociology, most of which became strong legitimisation instruments for the state policies.

Women's NGOs and other actors in the civil society

Because of the international funding for their activities, the women's NGOs were able to follow an autonomous (project dependent) agenda, but there was a “top-down” principle of the emergence and activities of the women's NGOs after the fall of the socialism in 1989 which made women's NGOs dependent on the international funding. The civil society organisations engaged with other inequalities were built more or less first as non-formal communities of activists (“bottom-up” model). There are also organizations producing research and publications that are pro-family and pro-natalist (including charity organisations) which were financially supported at the national and local level. A typology of such civil society intersections could be developed and it will be interesting to know the circumstances under which one or another relationship between inequality strands occurs.

The report is going to address the following research questions:

Considering the equality policies and equality bodies the research questions are:

- What difference does it make to the quality of gender equality policies if there are no equality bodies, separate equality bodies for each ground, or a single equalities body? Does it make any difference if within a single equalities body, the internal divisions are by ground or by function?
- Is there a tension between ‘mainstreaming’ and ‘non-discrimination’? Does, and if so in what ways, greater attention to equalities other than gender and their

intersection with gender tend to reduce the broad scope of gender mainstreaming to action only around non-discrimination?

Considering the range of the meanings or frames of gender+ equality policies the research questions are:

- What is the meaning of gender equality in Bulgaria and how does it vary between policy areas?
- What are the reasons for the different framing of gender equality in gender equality policies in different countries and policy areas?
- In what way does the intersection of gender with other inequalities give rise to different framings of gender equality?

Considering the intersection of the polity and civil society the research questions are:

- What are the different intersectionalities in the different policy issues? What policies do they depend on?
- What are the implications of the different ways in which civil society voices are empowered for their effective articulation in policy development? How does this vary with the intersection of gender with other inequalities?
- Under what circumstances is the articulation of gender with other inequalities one of alliance or of competition?
- Do some intersections lead to the downgrading of the quality of gender equality policies in that area?

3. Identifying changes and the relevance of different forms of intersectionality

Using the issue histories and the country contexts, this chapter aims to identify the changes in legislation and institutions with regard to which different forms of intersectionality were an issue in the development of gender equality policies. Through investigation of the timeline of the legislation and the institutional transformation it intends to find the significant ‘turning points’ in the treatment of intersectionality in gender equality policies and to point out their impact on the quality of equality+ policies.

3.1 Changes in general legislation and machinery

The issue histories report and the context studies report of the Bulgarian gender+ equality policies showed that during the “transition period” after the fall of the socialist system, gender equality policies in Bulgaria have run through two major shifts. The first effort of engaging public policies in gender equality issues was influenced by the Beijing process, started in 1996. The second one was again influenced by an international factor – the EU accession process, intensified in the 2000s. It oriented the policies from general gender equality policies towards general anti-discrimination discourse. Analysing the issue of intersectionality, this fact has important implications for the policies which became oriented more towards other social inequalities, primarily “ethnicity” and “class”.

3.1.1. Competing inequalities after Beijing 1995 – gender and ethnicity

In 1995, Bulgaria had signed the Beijing Declaration and Platform for Action. The adopted 1996 *National Action Plan In implementation of the commitments of the Republic of Bulgaria undertaken at the UN Fourth World Conference on Women, Beijing, 1995* gave account of the responsible institutions and organizations and the necessary resources for the implementation of the policy ensuring gender equality in the country. The national plan also included the establishment of an institution on problems of gender equality within the National Assembly and establishment and financial provision for a separate structure for the promotion of equal opportunities for women and men with the *National Council on Social and Demographic Issues*. This National Council was an inter-ministerial structure from 1995 to 1997 “with an unclear mandate to advise the government on minority and gender issues and to serve as a mechanism for cross-sector dialogue (between government and non-governmental

organisations).”¹ The insufficient information on its activities makes it impossible to conclude what kind of treatment of intersectionality of gender and other equalities this governmental structure developed at that time. What is important for the analysis is that at the end of 1997 it had been transformed from the *National Council on Social and Demographic Issues* to the *National Council on Ethnic and Demographic Issues*. This transformation was a result of the changed state policy towards the issues of ethnic minorities. The strongest support for adoption and implementation of these policies came from an active political actor – the liberal political party Movement for Rights and Freedom- rather than from the civil society sector. It was not a single action of transforming the institution, but a systematic policy including legislative activities. The ratification of the Framework Convention for the Protection of National Minorities by Bulgaria in 1998 was a continuation of that policy, conducted by the Bulgarian government, which was developed in 1999 when Bulgaria adopted the Framework Programme for Equal Integration of Roma in Bulgarian Society. This oriented the policy more towards ethnic minorities rather than gender equality.

3.1.2. Economic crisis and social policies made the issue of gender part of the “risk groups”: gender and class as mutually constitutive

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 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 policies to more general social issues. Due to these economic and political changes, the measures of achieving gender equality introduced in 1996 in the National Action Plan in implementation of the commitments of the Republic of Bulgaria undertaken at the UN Fourth World Conference on Women, Beijing were not realised. The crisis also had a negative effect on the development of the civil society sector in gender equality, which remained 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 women's NGO assessment of that process was that there was a strong “marginalisation of gender on the political agenda”.² The lack of institutional mechanism and the lack of plan or a programme on gender equality made the issue of gender in the national public debates and policies invisible. A normal consequence of that

¹ 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>

² 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>

process was the fact that 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. Events related to gender equality policies took place mainly in the international context. In 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. State representative at the 373rd Meeting, stated that: “no temporary measures to achieve actual equality between men and women had been adopted because such equality was protected at the constitutional level.”³ 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.

With the new government in power in 2000, it was the Minister of Labour and Social Policy who became responsible to work out, organize, coordinate and control the execution of the state policy in the area of achieving equal opportunities for women and men. The 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 in the labour market*. The policy concept “risk groups” was renewed and again introduced in the policy documents. In general, it did include gender in the social categories needing special programmes and protection in the labour market. It constructed the categories of gender (women), age (people up to 29) and disabilities with the category of class as mutually constitutive. As stated in a policy analysis document, “the groups of risk consisting of persons in equivalent situation on the labour market”⁴. Such a policy perspective towards the issue of gender interrelated with the issue of class is most visible for the issue of non-employment, but the appointed Ministry of Labour and Social Policy with responsibilities to deal with the issue of gender structurally set a prerequisite for general gender equality policy to be intrinsically concerned with employment issues.

³ 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>

⁴ Mihova, Genoveva. 2003. Unemployment of Groups of Risk in Bulgaria. Socio-demographic Aspects. Sofia: Prof. Marin Drinov Academic Publishing House.

3.1.3. *The EU accession process and shifting the policies towards anti-discrimination in legislation and equality bodies (2001-2004): gender as a separate inequality*

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.”⁵

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.”⁶ The Draft Act also envisaged the establishment of two institutions ensuring 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 parliamentarian group in opposition, the right wing coalition – the United Democratic Forces. In July, 2001, The Bulgarian Gender Research Foundation, one of the most active women’s NGO 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. Another NGO, the Gender Project for Bulgaria Foundation, organised in Sofia a roundtable for public discussion of the Draft Act on September, 27 2001. 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 provisions’ from the draft Act on Equal Opportunities.”⁷

In the next year, the government actually took a course of incorporating the issue of promoting gender equality and empowering women into a general anti-discrimination law and in specific legislation with the preparation and submission of the *Draft Law on Preventing Discrimination*. The drafting of the law was speeded by the EU accession process and “in harmony with European Council of the European Union Directives

⁵ 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/

⁶ 2002. Open Society Institute. Monitoring the EU Accession Process: Equal Opportunities for Women and Men. <http://www.eonet.ro/pdf/Bulgaria.pdf>

⁷ 2002. Open Society Institute. Monitoring the EU Accession Process: Equal Opportunities for Women and Men. <http://www.eonet.ro/pdf/Bulgaria.pdf>

2000/43, 2000/78, 2002/73, providing the current standards on anti-discrimination law in Europe". The 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."⁸

Since the adoption of the Law on Protection against Discrimination, the debate on general gender equality policies was set in terms of being for and against the need of special legislation.

In 2003 *the Consultative Commission on 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, responsible for developing and implementing the equal opportunities policy, with social partners and NGO representatives 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.⁹

On 16 May 2003 a group of deputies from the right wing coalition – the United Democratic Forces and the liberal party – 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 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 which monitors the realization of equal rights. The Act did not get passed. A year after, in March, The Bulgarian Gender Equality Coalition raised again the issue of Ombudsperson responsible for gender equality on the national level; the institution of the general Ombudsman was introduced in Bulgaria in 2004.

In 2004, the specialised unit *Equal Opportunities for Women and Men Sector* within the Policy of Labour Market Directorate was set up. 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

⁸ 2002. Open Society Institute. Monitoring the EU Accession Process: Equal Opportunities for Women and Men. <http://www.eonet.ro/pdf/Bulgaria.pdf>

⁹ 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

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.”¹⁰

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 gives positions 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 international commitments of the Republic of Bulgaria regarding these issues. The National Council supports the implementation of domestic and international 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 gives account for 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. Recognition of the two state institutions for protection of human rights (the Ombudsman) and for the protection against discrimination (Commission on Protection against Discrimination) as partners of the National Council on Gender Equality is indicative for the understanding of the location and underlying norms of the problems and policies of gender equality at the national level. But there are no specific objectives or special measures envisaged for future policies and no report on the activities of the institution is available to date.

At the end of 2004, on 9 December, *the National Action Plan for Promotion of Equal Opportunities of Women and Men for 2005 and for 2006* was adopted. It was the first important policy 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 remained unsolved. No Action Plan for Gender Equality was prepared and adopted for 2007. At present, there are no reports on implementation of the envisaged activities in the Action Plans (2005-2006) officially published.

In November 2005, with the entry into force of the new Rules of Procedures of the Ministry, the Equal Opportunities for Women and Men Sector was closed down and another unit established. It was the *Equal Opportunities Department* at the newly set up Demographic Policy, Social Investments and Equal Opportunities Market Directorate, which developed and coordinated the implementation of the state policy in these fields. The analysis of the document showed that three major problems the Sector is fighting with include the demographic crisis, unequal opportunities and ethnic based discrimination. The past actions on these three respectively are presented by the three

¹⁰ 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

plans adopted by the Council of Ministers. The demography crisis is understood as a national problem, the policies against ethnic (Roma) based discrimination are part of larger European initiatives, and nothing is mentioned about the legal framing of the gender equality policies. The activities in the field of gender equality are supported by the implementation of a hypothetical Strategy on Gender Equality which has not been adopted so far. The text is not clear about the normativity linked with the question of equal opportunities. It is named in general and the problems of discrimination are linked with the two non-intersecting inequalities of gender and ethnicity.

3.1.4. The current state of the general gender equality policies and intersectionalities (2005-2008): gender is competing with all other inequalities in the state policies, public institutions and NGO activities

In 2005, the *Commission for Protection against Discrimination* has been established, according to the Law for Protection against Discrimination. 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. 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) "ethnicity 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".

It was evident from the Commission's Annual Reports for 2005/2006 that the cases based on "ethnicity and race" were three times greater (38), than those of discrimination based on "disability, age and sexual orientation" (13) and "gender, human genome and labour protection" cases (11).

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, and in January 2007 the Plan was adopted by the Council of Ministers, envisaging 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) of cooperation between non-governmental organisations, implementing projects and lobbying for anti-discriminatory legislation, which created an invincible gap between the issues of women's rights and other equality policies. In the beginning of 2007, at the 9th Annual Meeting, the adoption of the new draft *Law on Equal Opportunities for Women and Men (2006)* and the

suggestions for the amendments to the *Family Code* have been set as the major policy concern, but no LGBT NGO representatives have been invited and the issue of homosexual rights in the debated legislation changes has not been raised.

3.2 Changes in non employment

3.2.1. Government plans and unemployment legal regulation (1996-2000) – the definitions of the “risk groups”

The first policy attempt to deal with the issue of *reconciliation of work and family life* during the transition period is found in the government documents adopted in 1996, which were 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 4th World Conference. Although the envisaged policy has not realised any significant legal changes for reconciliation of work and family life, it did introduce the concept “flexible form of employment” and the need of its regulation in the future amendments to the Labour Code. As compared to the regulation of flexible employment, in 1998-1999 much more was made for the provisions and regulations of social services which assisted the *care work* at home for people with disabilities. 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. 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, supporting the active participation of women in social life and government. Mid-term tasks included the conducting of 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”¹¹. In Section D of the Plan the need for introduction of special measures for combining labour activity and maternity and stimulating “flexible forms of employment and social services” was mentioned. Another international influence for speeding up the policies came from the International Labour Organisation which in 1996 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

¹¹ National Action Plan In implementation of the commitments of the Republic of Bulgaria undertaken at the UN Fourth World Conference on Women, Beijing, 1995.) <<http://www.un.org/documents/ga/conf177/natrep/nap1996-bulgaria.htm>>

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-qualification courses for re-integration of *unemployed persons* into the labour market. Following that policy, in 1997 the *Act on the Protection against Unemployment and Employment Promotion* was adopted. Article 2 of the Act stated: “there must be no discrimination, notably on the basis of sex, in pursuit of the rights and obligations provided for under the Act.” Also, during that time, the concept of the “risk groups” was developed in the analysis of the employment policies. The major risk groups included “unemployed young people”, “unemployed women”, “children in risky families”, “pensioners” and “disabled people”. Here, the leading inequality is set to be the category of class which defines the “risk” in the groups. The policy analysis also used the terms “social protection” and “social defence” referring to the policies of the “European countries” as a norm group. In general, age, gender and disability were the inequalities which intersected with class in the policy of unemployment during the respective period. The policy perspective on the “risk groups” and their social protection was objectified in the legislation in 1998 when the *Act on Social Assistance* was adopted. The Law regulated the newly introduced institution for *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. The Act made visible the tendency to impose the importance of gender with the family status. Another tendency was implicitly posed by the policy relation of gender and age which was set by the women's NGOs, and by the Bulgarian Gender Research Foundation in particular, which provided 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 responsibilities¹². In its report on age discrimination, the civil society voice differentiated a “vulnerable group (of women over 40)” within the “risk group” defined by the official policies. The age and family status intersecting with gender also became an issue of concern for the NGO sector in respect to the labour market discrimination practices.

3.2.2. *EU influence on integrating the equal opportunities in employment promotion policies. 2001 (gender intersects with class, age becomes the leading inequality)*

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. As stated above, with the structural changes of the responsible for gender equality institution, the issue of equal opportunities was integrated into employment promotion policies. At the end 2001, the *Act on*

¹² 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

Employment Promotion was adopted along with the *Action Plan*. “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”.¹³ The primary aim of the law was to introduce some of the European Union’s regulations in the major areas of employment relations. The adopted Act on Employment Promotion provided 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. Along with age, citizenship also became a visible inequality. Nevertheless, during that time, the employment policies were mainly targeted at the “young unemployed people”.

Gender and class were not only related in the national policy discourse, but also in the EU accession process since Chapter 13 “Social policy and employment” outlined mainly “the policies of equal treatment of women and men”. The *EU 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”¹⁴. Despite the adopted *National Plan and the Strategy for Equal Opportunities of People with Disabilities*, the report concluded that the access to the labour market remains difficult not only for them, but also for ethnic minorities and young people¹⁵.

3.2.3. *The special programmes and legislation towards the inequalities: age, disabilities and ethnicity*

The position of gender in the policies was recognised as regulated by the general employment policy plans, while stress on the “real” unequal position was made with respect to the special employment programmes regarding disabilities, ethnicity and age. In 2003, due to the new state policy commitments towards equal opportunities for disabled people, the regulation of 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. *The national programme “Assistants to People with Disabilities”* has been adopted in order to implement the policy provided by the Law. A civil society group of parents of children with disabilities has been active on the issue and has recently published its *statements to the Bulgarian*

¹³ 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/ (accessed 20 March, 2007)

¹⁴ Regular Report from the Commission on Bulgaria's Progress towards Accession (SEC(2001) 1744):61.

¹⁵ Regular Report from the Commission on Bulgaria's Progress towards Accession (SEC(2001) 1744):62

institutions to define more clearly the term of personal assistant as a regulated profession. This policy position was confirmed by the later adopted 2003 *Law on Integration of People with Disabilities* and a *Plan for Equal Opportunities and Plan for Equal Opportunities for People with Disabilities (2003-2005)*.

At the same time, the Bulgarian government adopted the *Employment strategy*, regarded as consistent with the EU's European employment strategy, covering the period 2004-2010 which was focusing on solving the problems of low employment, high unemployment and negative demographic trends. It represents the policy attempt of including the problem of demographic crisis into the economic domain, bringing new perspectives to the treatment of the inequalities of ethnicity and marital status into the employment policies. It does actually relate in a new way the intersecting of gender with ethnicity and class. The adopted policy documents after 2005 followed that tendency.

3.2.4. The issue of demographic crisis separated in two policy pathways: employment and Roma minority (gender, ethnicity, class) and Programmes for Mothers (gender, marital status, class)

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 problem of demographic crisis is not a problem for Roma minority for which the biggest issues are education and employment. Thus, Roma women are the object of different policies than those of Bulgarian women who need programmes for reconciliation of work and family life in order to solve the problem of low birth rates. In 2006 the government adopted the *Programme "Reconciliation of women's work and family life"*. Also in 2006 the Gender Project for Bulgaria Foundation 8th Annual Discussion Forum "*Reconciliation of work and family life*" took place. In the following year 2007, the *National Programme "Supporting the Maternity"* was adopted.

3.3 Changes in intimate citizenship

3.3.1. Family Code Amendments Debates and academia studies on the family and partnership (1998-2000): gender and age

The Bulgarian Family Code was adopted during the end of the socialist era in 1986 and has not been amended since that time (except for amendments made in 1992, deleting the heritage of the socialist system). The legislation concerning the family and spouse relationships was the object of public debates in 1999. A Draft Family Code was made

by the government in 1999 but it did not get passed and was not adopted. The legal problems of the marriage relations and the absence of adequate legal settlement of the divorce procedures were also discussed by the women's NGO in their monthly journal of Women's Alliance of Development.

Academia (mainly demographic studies) conducted a number of research projects and published the results which traced 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 and the public family policy has been directed towards the issues of children's rights and not to issue concerning the spouses' relations.

3.3.2. Sexual and reproductive health among young people and Roma minorities. 1998-2000: ethnicity and age – the leading inequalities in “risk groups” within the issue of intimate citizenship

The state was not involved in activities on health promotion regarding issues of reproductive rights and there were only NGO initiatives on the problem. In the late 1990's the international donors' programmes were exclusively aimed towards minorities. The Foundation “Health problems of the minorities” conducted a survey on the inherited diseases among different endogamous minority groups. After the research, the genetic prophylaxis was made through selective screenings among the groups of risks. In the next year, another non-government organisation, the Bulgarian Association of Family Planning, carried out 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.

Other policies influenced by an international actor which got substantial funding were those targeting the youth. 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 2000-2004.

3.3.3. Family Code Amendments concerning adoption 2003: age and citizenship

In 2003 the debates on changing the Family Code were renewed again. This time, the object of the Law amendments was the legal procedures for adoption. In 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 amendments must encourage adoption, mostly by the Bulgarian citizens.

3.3.4. Reproductive assistance and reproductive health. The New Law on Health. 2003-2004: class, age and disability

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, during socialism). 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. Since the adoption of the new Law on Health in 2003, civil society became 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 the Ordinance No 32 of Minister of Health abrogated the envisaged pathways.

Promotion of reproductive health care and ethnic minorities (gender, class, age and ethnicity)

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”. In 2005, the government adopted the Health Strategy for the People in Disadvantaged Position from Ethnic Minorities. The document was elaborated 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 the reproductive health among people from ethnic minorities.

3.3.5. Homosexual rights 2005: sexual orientation integrated in the general anti-discrimination policies

Until 2005, the adopted anti-discrimination law provided legal protection against discrimination regarding ethnic, religious and political rights. On January, 2005, the National Assembly adopted an amendment providing the protection against discrimination based on sexual orientation. The discourse of anti-discrimination after 2007, (which was already reconstructed in the sub-section on general gender equality policies), made LGBT NGOs possible allies of other NGOs such as those regarding People with Disabilities and Roma.

3.3.6. Demographic crisis and population policy. 2006-2007: gender, age, ethnicity

Recently the object of public debates on family problems has mainly been considered as the problem of demographic crisis. Academia and NGOs debated the issue of low birth rates in the families. In 2005, politicians and experts elaborated the *National*

Strategy on Demography Development for the period 2006-2020. The Strategy was discussed at the Consultative Council on National Security. The speech of the President emphasized the fact that demographic policy is a national security issue. The discussion on the different policies focused on the future state policy towards the family relations and “responsible parenthood”, as well as the policies of increasing the birth rates (including issues of abortion and reproductive health). In 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.

3.4. Changes in gender based violence

3.4.1. NGOs' initiatives on the issue of gender based violence and state policies towards organised crime in general (1996-1999)

In 1996 the adopted National Action Plan (In implementation of the commitments of the Republic of Bulgaria undertaken at the UN Fourth World Conference on Women, Beijing, 1995) included a 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 into the future amendments to the Penal Code. 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*. Thus, it was the Ministry of Interior which was recognised by the government as responsible for the elaboration a National Programme Against Crime. 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. In fact, the civil society sector was the main active actor working toward the public recognition of the problem 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. 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, offering support and protection to women and their children who were victims of domestic violence, started functioning.

Bulgaria submitted its consolidated second and third periodic reports of CEDAW in 1994, but it was considered by the Committee in 1998 and at the 373rd Session with the supplements to the report. In the report the issue of *domestic violence* and its

criminalisation were merged with the issue of *child protection*. There were efforts by women's NGOs which 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. The first legislation which presented violence among family members as a public concern was influenced by the policies of protecting the child's rights. The adopted Child Protection Act in 2000 was considered by women's NGOs as an improvement of the legal provisions for regulating domestic violence. According to the adopted legislation, institutional changes have been made and the State Agency for Child Protection was also established.

3.4.2. EU accession process and the issue of trafficking in human beings after 2000 gender, age, citizenship

In the beginning of 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 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 next year, there were initiatives conducted only by the non-governmental organisations.

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

The amendments introduced a new "Section IX. Traffic of people" into the Penal Code.

Legislation on countering trafficking in human beings in 2003 (gender, age, class)

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.

The National Programme for Prevention and Counteraction to Trafficking in Human Beings and Protection of the Victims for 2005 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 the European Union.

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. However, there is no evidence at the present of the existence of such a structure.

3.4.3. Legislation on domestic violence 2005-2006: gender, age, disability

In the period of 2004-2005 the debates on the issue of violence against women, and domestic violence in particular, intensified. Due to indispensable effort of the non-government organisations, which supported the drafting of the Draft Law Against Domestic Violence, and lobbied for its introduction at the National Assembly, it was adopted in 2005. After the adoption of the Law Against Domestic Violence, there began the process of implementing 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 the further cooperation between all actors involved, especially at the local level: the police departments, municipalities' administration and NGOs. 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)¹⁶.

3.4.4. Current shift from the issue of trafficking in human beings to the issue of prostitution and its regulation after 2006: gender, class, age, ethnicity

The tendency of the leading role being taken by NGOs in prevention and assisting the victims of trafficking and the victims of domestic violence remained. At present, the debates concerning the issue of gender based violence are mostly focused on the legal regulation of prostitution and the character of future legislation on it.

¹⁶ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:110:0089:0094:EN:PDF>

3.5 Summary and comparisons

The controversial position of gender in the policies.

After Beijing 1995 gender became visible in policies when the state was engaged with the implementation of the gender equality policies. On the one hand, gender equality at the institutional level became part of the general social policies having in mind the fact that the public body responsible for the issue of gender equality was located at the Ministry of Labour and Social Policies. This fact points out that gender and class structurally form the mutually constitutive relation. The transformed National Council on Ethnic and Demographic Issues which once was defining gender equality policies now stands only for principles of ethnic integration. On the other hand, gender was included in the general anti-discrimination policy as a separate inequality after the adoption of the Law on Protection against Discrimination and the establishment of the Commission on Protection against Discrimination. The presence and the activities of the Commission were later used as a strong political argument in the rejection of the special gender equality legislation and the establishment of the separate public body. So far, what is obvious from the current policy debates, are the continuously unsuccessful attempts to emancipate gender from the general anti-discrimination policies in the proposed general gender equality legislation and at the institutional level.

The national institutional specifics and other related international conditions made possible the cooperation of different human rights NGOs. Recently, the LGBT non-governmental and informal groups 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, played a large role in setting up such cooperation- in which the women's NGOs were marginalised. 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.

The civil society debates were conducted in such an institutional environment that produces tension between the gender mainstreaming and anti-discrimination policies where gender is competing with all other inequalities.

One important implication of the structurally defined mutually constitutive relation of gender and class is that the general gender equality policies refer directly to the employment and social inclusion policies since both are located at the Ministry of Labour and Social Policies. In the policy changes for the issue of non employment when the general gender equality policies were first presented after 1995, the concept of the "risk groups" was developed both in the employment policies and the policy

analyses. After the beginning of the EU accession process of the country, it was used together with the terms “social protection” and “social defence” referring to the policies of the “European countries” as a norm group. The EU accession process helped the differentiation of policies which resulted in actually de-gendering the special programmes addressing separately the leading inequalities age, ethnicity and disability. Nowadays, these special programmes are additionally differentiated influenced mainly by the problem of low birth rates. In the employment policies, this problem was interpreted in a way that firstly, an additional inequality had to enter the economic domain – marital status and secondly, it opposed the low/high birth rates to the low/high education of the Roma minority and the Bulgarian majority. In this opposition, gender is inevitably invoked through its biological basis and intersects with ethnicity and class (Roma women) and with marital status and class (Bulgarian mothers).

Until the beginning of the 2000s the inequality of gender was almost invisible in the policies towards the issue of *intimate citizenship*. The debates on family policies addressed age (the rights of the children). Other policies concerned with age (young people) were those of sexual and reproductive health. The other leading inequality for these policies was ethnicity. The reproductive health policies were those constructed in terms of “risk groups” in the domain of intimate citizenship, mainly by the civil society organisations. It has to be mentioned that the policies became possible only by the funding of the international actors which defined the projects' target groups. Later, when the state was engaged with the assisted reproduction and reproductive health issues, it became clear that the state priorities for the issue were totally focused on general population policy in combating the demographic crisis and the clashes between civil society actors and the state have intensified. Nevertheless, the state adopted a Strategy addressing ethnicity and class; in the debate, ethnicity which had earlier dominated the policies was not introduced due to the fact that there were not any active NGOs to deal with the intersections of ethnicity. Gender entered these debates, again invoked through its biological basis by the term “infertility” which constructed an additive social relation of the inequalities gender, age and disability, and implicitly and normatively, marital status. Considering this complex inequalities' relation, paradoxically it was class that was a dominating inequality around which the debates were gathered on solving the problems of infertility, in which the major questions raised regarded the funding of policies and who is entitled to be funded. Thus, gender was submerged into the concept introduced by the more general policy towards the family.

Due to the pressure from the EU monitoring the country's accession process, the policies addressing the issues of *gender based violence* were oriented towards the issue of combating the trafficking in human beings. Trafficking in human beings as a problem, situated in an international policy discourse, was initially dependent on such

international influence and the state had to be active in adopting the legislation on combating trafficking in human beings and in establishing the respective institutions at the local and at the national level. Age and citizenship dominated the social relation of inequalities with which gender intersected in developing and adopting the policies. In contrast, the adoption of the legislation on *domestic violence* happened under the pressure of national non-governmental organisations. There was (and still is) a perspective towards the problem of domestic violence presented in the public understanding which tends to perceive the issue of age as much more important than the issue of gender. The children (as family members) were first (during the 2000s) prioritised in the policies fighting the domestic violence. As we shall see further in the analysis, this process of women/children “competition” which is visible in the issue of gender based violence continues throughout all the investigated QUING period.

The policies on gender based violence also interpreted the term “risk group” in a similar way in both the sub-issues of domestic violence and trafficking in persons. The risk in this kind of grouping is objectified again in terms of class inequality dominating the different intersections of gender and ethnicity or gender and age. The policy fighting domestic violence defined the risk groups with concern to gender more explicitly through class (poor/ unemployed women) and in a more implicit way through ethnicity (Roma women). In the policy combating trafficking in human beings stress was placed not only upon class but also adding age (young unemployed/uneducated women).

4. The range of the meanings or frames concerning gender equality in gender+ equality policies

Using the analysis of the coded documents and reconstructing the various definitions of “gender equality” and groups the policy documents are targeting, this chapter answers the questions about the way gender equality is de-gendered, whether it is a means or end, and its presence in policy; it will allow conclusions to be drawn on the adjacent frames where gender equality is represented for each of the investigated issues – general gender equality, non employment, intimate citizenship and gender based violence.

4.1 The range of the meanings or frames of gender equality in general legislation and machinery

The 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 and another draft law on equal opportunities for women and men, introduced at the parliament in 2006, still pending adoption. The policy shift to anti-discrimination law in 2002 made the future efforts even harder. The implementation of the two Action Plans on Promotion of Equal Opportunities of Women and Men (2005-2006) adopted by the government were predestined to failure due to the preliminary lack of funding for the envisaged activities.

Considering the document analysis, the term “gender equality” in *the Draft Law on Equal Opportunities Between Women and Men (2006)* (selected for coding) is defined mainly by the concept of “equal opportunities between women and men” and, most importantly, these equal opportunities are located in the public sphere of the labour market, supplemented by the policy claim for “equal opportunities in education”. Other definitions of gender equality in the draft include “equal treatment of women and men” and “balanced representation”.

There is a significant difference between the types of policy documents. The *Policy plan of equality between women and men (2005)* defines negatively the gender equality notion: the terms “inequality between women and men”, “unequal opportunities between women and men” and “unequal treatment between women and men” are most often used in the diagnosis part where the problems are stated. These definitions are not specifically located in any social domain, but in society in general. In contrast, in the prognosis part “inequality between women and men” is located mostly in the labour market.

The *Parliamentary debates on the adoption of the law on Equal Opportunities Between Women and Men in 2006* which were coded for this issue draw a policy line, specific to the national context, of contradiction between the issue of general gender equality and the issue of non-discrimination. The defenders of the need of the general gender equality policy define it through the most neutral and de-gendered concept of “equal opportunities between women and men” while the opponents raise arguments against specific (gender) equality policy and insist on the concept of “protection against all forms of discrimination”.

Although the fact that the civil society *Statement concerning the Draft Law on Equal Opportunities for Women and Men* written in 2006, coded for this issue, is the only voice having explicitly raised the understanding that it is women who should be considered in an unequal position when speaking of “inequality between women and men”, still repeated the attitude towards the achievement of gender equality through the concept of “equal opportunities between women and men” and again located it mainly in the labour market, employment and education.

Analysed data on the general gender equality policies shows that gender equality is significantly de-gendered in all types of documents by all the different voices, including those of civil society. The close relation between gender equality and equal opportunities in the labour market and education should also be taken into account as it strongly ties gender with class and, to a lesser extent, gender with age (considering the problems of young unemployed people and education). In this respect of strong de-gendering of the policy, the question for who gender equality is to be achieved or regarding who are the target groups is undoubtedly answered: “women and men”. It could be said that gender inequality is defined as a problem of the quantitative representation of women and men. Nevertheless, it is recognised as a structural problem – mostly located in the economy where the responsible actors for gender equality should be the state authorities at executive level (and the most frequently mentioned institution – the Ministry of Labour and Social Policy), local authorities and employers' organisations. The civil society voice insists on the need of the establishment of the national mechanism on gender equality, which together with the state, should be responsible for the achievement of equal opportunities between women and men. In all the analysed documents, the gender equality concept is used largely as an end in itself.

The policy debates on general gender equality issues strongly use the EU accession process as an argument for the need of gender equality policy in the country. The voices against it, insisting on the policy shift towards general anti-discrimination policy, were supported by the “national policy context” specifics. For the civil society voice, all the national, UN and EU policy of gender equality are important and should be implemented in the future policy plans and legislation. From the perspective of almost

totally de-gendered policy discourse, *gender equality is presented in the general frame of equality* and the frame of economic growth. The claim for *effectiveness* of the policies persists in all documents and it forms a second additional frame which accompanies the equality frame all the way through the policy debates.

Another important finding of the document analysis is the existence of the strong opposition of equality which is standing for non-discrimination. It creates the major tension within the general gender+ equality policies, where gender inequality opposes all other inequalities. In practice, the policy shifted in favour of the *non-discrimination frame* with the adoption of the general anti-discrimination legislation.

Machinery

The establishment of the *Equal Opportunities Department* at the Ministry of Labour and Social Policy was considered as a 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. Due to that fact that there is no separate public body responsible for gender equality, 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 current national gender equality policy in particular could be recognised in the newly adopted strategic documents of the Ministry of Labour and Social Policy oriented towards labour market initiatives.

The documents on the establishment of the public equality bodies *The National Council of Equal Opportunities of Women and Men* and *The Establishment of the Equal Opportunities Department at Demographic Policy, Social Investments and Equal Opportunities Market Directorate*, selected for coding, define four major goals of their existence and activity concerning the general concept of equality. The document analysis looking at the naming of gender equality reconstructs the first definition of gender equality as “equal opportunities between women and men” - a term used in line with the legislation and other state policies. The second major definition of gender equality is represented by the definition of “equal opportunities” which is a general one and implicitly includes not only gender but all other inequalities where ethnicity (mainly Roma) has a priority. The third area of activity names in general terms equality as “non-discrimination”. The fourth major area of activity of the equality bodies defines “demographic development” as a priority of the policy.

These four political areas of the public equality bodies – gender equality, equal opportunities, non-discrimination and demographic development are de-gendered. The term “unequally represented gender” is often used to describe the policy attitude to existing gender inequality. Thus, the target group “women and men” is recognised as “gender”. The other major target group is ethnic minorities, which is also de-gendered.

Gender equality is to be achieved by the two public bodies - "Demographic policy and equal opportunities" Directorate at the Ministry of Labour and Social Policy and the National Council of Gender Equality. There are also a lot of state organisations and commissions mentioned as responsible actors for achieving not only equality between women and men, but equal opportunities for all, non-discrimination and demographic development. The still non-existent national institutional mechanism on gender equality is mentioned ten times as responsible for future policy activities on gender equality.

The establishing of the national public bodies of equality is justified by the international engagements of the country (mainly EU accession process) where gender equality is only an end. Gender equality is made invisible in the establishment of the equality bodies at the Ministry of Labour and Social Policy in a way that the Ministry is envisaged to implement programs achieving equal opportunities, demographic development and non-discrimination. In the latter policy areas the policy goals of increasing birth rates and Roma integration are visible. Moreover, the plans for demography development and Roma inclusion are supported by long-term programmes and strategies, only the Plan for Gender Equality does not have clear terms for its implementation; since 2007 no new plan has been adopted by the government.

At the governmental level, gender equality is framed mostly by equality. At the ministry level, gender equality is represented as part of equality and at the same time as part of human rights, where the frame of demographic development is also significantly present. The general frame of policy effectiveness appears in all the general gender equality documents.

4.2 The range of the meanings or frames of gender equality in non employment

The general understanding presented by the state during the years of transition that policies on *benefits for children* are enough provision for settling the policies of *reconciliation of work and family life* makes the document analysis of the two sub-issues interrelated. After 2001, the changes in the general gender equality policy have also raised debates on some particular issues of "flexible work schemes". No legislative 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. In general, the new policy targeted only "the people in need". In 2006 more significant and major amendments were made concerning pregnancy, maternity and adoption paid leave and also the *Programme "Reconciliation of women's work and family life"* was adopted. The *Law on Family Benefits for Children* and *Law on Social Assistance* appeared to be

closely interrelated and were debated at the same Parliamentary Committee session. The adopted new *National Programme "Supporting the Maternity" in 2007* again emphasized the need of effective policy actions towards the demographic crisis. Civil society largely did not respond to the law changes. Only the "*Present and Future Mothers*" Association presented its considerations and demands for the further development of the legislation process.

Problem	GE Named	Target groups	Inequalities	Voice	Responsible	Frame
demographic crisis/economic crisis	benefits for women	pregnant women single mothers married mothers mothers of many children raising them in family environment	gender+family status+class gender+family status gender+family status	Law Debates NGO	state	demographic development economic growth
demographic crisis/economic crisis	-	families with children children raised in families poor families middle class families children in risk children in families entitled to benefits parents raising children working at home single parents parent with child with disability	class+family status class+family status+age	Law Debates NGO	state Parliament Child protection offices	demographic development economic growth children's rights

The consistent interrelations of the sub-issues of non employment, especially those involving the definition of gender equality, imply the need for integration of the different issues in the document analysis by the areas of policy concern, logically coherent in their internal goals and the way the gender equality is framed by them. For the issue of non-employment, the document analysis found three areas of policy concern which define three general problems: low birth rates, unemployment and equal treatment in the labour market. Answering the research question looking at the definition of gender equality, the document analysis shows that all these problematic areas are to be found implicating the notion of gender equality in different ways, giving various definitions of gender equality when they are gendered. In this respect, the problem of “low birth rates” (demographic crisis) is transformed into an economic problem of “child raising” and the solution is “giving more benefits for pregnant women and mothers”. In the same manner, “encouraging women’s employment” and “setting conditions for better reconciliation of work and family life” are measures related to the concept of gender equality.

De-gendering of gender equality is closely connected with the way the target groups of the policy are defined. For the issue of non-employment, three target groups are easily distinguishable. In general, those are the groups of *women, families and children*. When the problem of benefits is debated, the target groups (women, families and children) are specifically defined through the interrelation between them – women with low incomes raising children, poor families with children and children raised in poor families. De-gendering is present when the issue of unemployment is debated and it implies another target group generally named as “vulnerable group/risk group”, which include “the unemployed people” in general. Ethnicity in the national policy amplifies the concept of social marginalisation and it is mentioned as a separate target group of the policy actions. Equality is also de-gendered in the policy when it is oriented towards achieving “equality in the labour market” and the target group is the group of employees. The concepts of equal treatment, equal rights and equal conditions named de-gendered equality.

The *parliamentary debates* differ from other types of documents because they depend a lot on the dynamics of the debates in such a way that the initial issues of debates are transformed. This is the case with the debate on the primary problem of family benefits for children. The debate transformed it into the problem of the demographic crisis. It is a quite distinguishable tendency to replace the problem of non-employment in relation with the target groups of working parents raising small children (including the issue of reconciliation) as passive actors, with the general problem of low birth rates defining the state (or society) as the passive actor. The problems' dynamics is visible also in the debate of the unpaid care work.

According to the analysed texts, the state is the major responsible actor (mentioning the leading role of the Ministry of Labour and Social Policy) and to a lesser extent employers' organisations and women's NGOs. A lot of other specified state institutions (Employment Agencies and Labour Offices at national and local level) are mentioned. There are no people identified as responsible actors. In laws and policy plans, there are no major differences in identifying the responsible actors, while the parliamentary voices speak about the responsible actors in general (state and parliament) with largely no reference to particular institutions (the Child Protection Offices are an exception). The role of NGOs and academia in the policy actions is identified only by the civil society voices.

Gender equality is present in the policy but is made invisible since it is underlined by the frames of economic growth, demographic development and equality. Gender equality is definitely a means to the three policy goals of demographic development (responsible parenthood, higher birth rates), economic growth (lower unemployment rates) and equality (equal treatment in the labour market). The parliamentary debates and laws de-gender the policies, where "families" and "children" have been constructed as important target groups and the frame of demographic development strongly underlines the policy. The frame of economic growth includes even more target groups and thus additionally contributes to the de-gendering of the policy.

4.3 The range of the meanings or frames of gender equality in intimate citizenship

4.3.1 Marriage, divorce, separation

After 2000 the need of new family policy was dominated by the general policy of legal provision for children's rights and all issues of family relationships were subordinated to that political discourse. It was additionally legitimated by academic circles and at some points supported by civil society. All the issues regarding the institution of marriage were debated exclusively in the general state population policies. In 2006 this was articulated in discussion at the highest level (the Consultative Council of National Security) and there was the adoption of a long-term strategy on demography development for the period (2006-2020). After 2006, women's NGOs tried to bring back the public relevance of the debate on the adoption of a new Family law, considering issues of marriage, cohabitation and civil partnership but without reference to same sex civil partnership.

Problem	GE Named	Target groups	Inequalities	Voice	Responsible	Frame
adoption	equal rights for adoption	Bulgarian parents parents foreigners children children from ethnic minorities children with disabilities	citizenship+family status age+ethnicity age+disability	LAW Debate	state Parliament	demographic development children's rights
demographic crisis	health-care services protection of motherhood integration in the labour market flexible forms of employment safe labour conditions	pregnant women mothers working mothers	gender+family status gender+family status+class	Policy plan	state	demographic development economic growth gender equality
demographic crisis	child raising services encourage two-child model	families (people raising children) children disadvantaged social groups		Policy plan	state	demographic development economic growth
demographic crisis/transformed family relations	equal the rights of married and unmarried couples	married couples unmarried couples	gender sexuality+ family status	NGO	state	equality anti-discrimination

The policy plans and NGO voices appeared between 2006-2007, when gender was invoked in the documents. Document analysis for the sub-issue of marriage, divorce, separation found that gender equality is only named in the *policy plan for demographic development*, when the concept of “protection of motherhood” gives two other definitions of gender equality – “equal access to health care services” and “integration at the labour market” (safe labour conditions and flexible forms of employment). These definitions of gender equality could be understood as such only when gender intersects with family status and class where the first inequality is a necessary pre-condition for women to be a target group of the policies of the sub-issue of intimate citizenship. Women in general, identified in the diagnosis part, become in the prognosis part “pregnant women/young mothers/mothers at work”. The sub-issue of marriage, divorce, separation is not de-gendered, but gender is almost irrelevant for the policies where the target groups are children or families. Families in general being passive actors in prognosis, in the diagnosis specified as “poor families/young families/Roma families/families with children”;

Framing of the policy depends on the focus of the family issues. Debates and legal changes in the adoption procedures present the perspective of the frames of human rights protection and well-being. Well-being and demographic development are framing demographic policy, while equality is most significant notion for the civil society voice. Gender equality, being named as the “protection of motherhood”, is a means to the goal of increasing birth rates. It is to be achieved by the state. The pressure for policy actions comes mostly from pressure at the national level. There is a consensus on the need of the legal change and some improvement in implementation, but without further institutional changes and the establishment of new institutions. Also, there are no references to consultation with NGOs considered by the voices in this issue.

4.3.2. Anti-discrimination and sexual orientation

Problem	GE Named	Target groups	Inequalities	Voices	Responsible	Norms
homophobia	-	sexual minorities	sexuality	NGO Policy Plan	Parliament all state authorities	human rights anti-discrimination
discrimination	-	sexual minorities people with disabilities discriminated people	sexuality disability all inequalities	NGO LAW	state Commission on Protection against Discrimination	anti-discrimination
unequal rights of homosexual and heterosexual couples	-	sexual minorities	sexuality+ marital status	NGO	state	equality anti-discrimination
separate gender equality legislation	-	discriminated people	all inequalities	Debate	state	anti-discrimination

In 2005, the adopted *Law on Protection against Discrimination* provided legal protection against discrimination regarding sexual orientation. In 2007 in implementation at the national level of the EU initiative European Year of Equal Opportunities, the government published the *National Action Plan against Discrimination for 2007*. There are six inequalities mentioned in that group – sexual orientation, gender, age, ethnicity, religion and disability. The main objectives of the plan include protection against discrimination, awareness-raising through special training and media campaigns, effective implementation of the European anti-discrimination legislation, and strengthening the institutional mechanisms for equal treatment. A very distinctive responsible actor for the general anti-discrimination policies is the Commission on Protection against Discrimination which is also seen as responsible actor for most of the activities in the policy plan, together with the National Council on Ethnic and Demographic Issues. The Ministry of Education and Science and the media are the main responsible actors providing the policy of awareness and campaigns against discrimination. The civil society voice insisted on the further need

for all politicians and the parliament to be engaged with solving the problems of homophobia. The passive actors, identified by the law, policy plan and civil society voice, could be generalised as “the discriminated minorities” suffering from intolerance and social exclusion. These are most often sexual minorities, ethnic minorities, and people with disabilities.

The civil society voice identified the politicians in general (government, parliament, political parties) as active actors being ignorant to the problems of discrimination. The civil society voice speaking on behalf of gay people also include in its problem statements people with disabilities who are seen as facing the same problems of ignorance by the politicians.

The concept of “gender” only appears in the policy plan when the target groups are defined as “protected people” – people with disabilities, women, elderly people, young people, homosexual, bisexual and transgender people. The norms of human rights and anti-discrimination are used in all of the documents and are dominant for the framing of the policy.

4.3.3. Assisted reproduction

Problem	GE Named	Target groups	Inequalities	Voice	Responsible	Frame
women's sterility	ensure risk-free maternity protection of reproductive health	pregnant women women in fertility age men diagnosed with sterility	gender+family status gender+ +disabilities+ age	LAW NGO	state	well-being human rights gender equality
sterility	give access to treatment	couples suffer from sterility	gender+ disabilities+ family status	NGO	state	well-being demographic development equality
impaired health (women)	give equal access to health care services give access to treatment family planning safe maternity	women diagnosed with a disease women aged over 50 women returning to work after pregnancy	gender+ +disabilities+ age gender+age gender+class+family status	Debate	state	well-being gender equality
impaired health	give access to treatment family planning	both genders families	gender family status	Debate	state	well-being gender equality

Considering the adoption of the law on health, EU pressure was very high, but the policy discussions and actions which followed the legislation changes have been influenced by debates at the national level. In 2003-2004, for the first time, “assisted reproduction” has been introduced as a separate Section in the adopted new *Law on Health*. Public debate of the 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.

For the issue of assisted reproduction, the document analysis found that gender equality is present when the policy has to ensure “risk-free/safe maternity” and to provide “protection of the reproductive health”. Here gender implies women and gender and intersects with age, considering “fertility age” (women in fertility age) and disabilities (women suffer from sterility). When the problem of impaired health of the whole population is considered, the solution is de-gendered, as both genders suffer from it. Gender equality in this sense is defined as “equal access to treatment and health care services” where women and men are both target groups of the envisaged policies. Another target group of the policies to provide equal access to treatment is “the family” (couples suffer from sterility). All the aims of the policy towards assisted reproduction are to be achieved by the state.

Gender equality in the terms of “equal access to reproductive health” is a means to the goal of a healthy nation and demographic development. The goal of achieving equal access to treatment is underlined by the general concepts of equality and human rights which only partially include gender equality and women's rights. The civil society voice used gender equality as means to a policy goal (including men in the national programmes for health promotion and treatment of sterility), giving priority to the special programmes. Health and well-being are significantly invoked for framing the policies of assisted reproduction.

4.4 The range of the meanings or frames of gender equality in gender based violence

4.4.1 Domestic violence

Problem	GE Named	Target groups	Inequalities	Voices	Responsible	Norm
domestic violence	protection from domestic violence	any individual having suffered from domestic violence applied by a spouse		LAW	state court Ministry of Interior	human rights justice (gender equality)
domestic violence against children/old people	prevention of domestic violence	any individual having suffered from domestic violence society	family status age	Policy plan	Ministry of Labour and Social Policy Ministry of Education and Science	
violence in the families		victims of domestic violence children victims of domestic violence families people with family problems		Policy plan Debate	Ministry of Interior Ministry of Justice Ministry of Health State Agency for Child Protection NGOs	
	respect the dignity of women and men	women men	gender	Debate	Parliament	
domestic violence against women	protection from domestic violence prevention of domestic violence	women victims of domestic violence disadvantaged women without	gender+family status gender+family status+class	Debate NGO NGO	state Parliament NGOs	gender equality human rights justice economic growth

Problem	GE Named	Target groups	Inequalities	Voices	Responsible	Norm
	access to rehabilitation services develop personal qualification for economic independence	qualification who are temporary residents of the shelters				

The issue of domestic violence can be analytically separated into three major problems concerning the target groups of the policies – domestic violence in families, domestic violence against children/old people and domestic violence against women. The legislation and policy plan are strongly de-gendered by the issue of violence in the family using the frames of justice and human rights. In the parliamentary debates and NGO text, domestic violence is presented as a social problem that women suffer from and the gender equality perspective is made more visible. *The Programme for Prevention and Protection against Domestic Violence for the period 2007-2008* regulates state participation, including training programmes for civil servants, providing shelters for victims at the local level and raising public awareness on the issue. Gender equality is named as “ensuring protection” and “prevention” for women victims of domestic violence. In the NGO text, “access to rehabilitation services” and the “development of personal qualification” are also seen as a means of achieving economic independence. Understood in this context, gender equality is to be achieved not only by the state, but also by the NGOs working in the field of protection of women's rights. Important to note are those responsible for achieving other goals of protection and prevention of domestic violence, when it is defined in intersections of class, gender, family status and age. The responsible institutions for this particular issue are the biggest in number and in the field of activity. Not only are the state and the frequently mentioned Ministry of Labour and Social Policy present, but also Ministry of Education and Science, Ministry of Interior, Ministry of Justice, Ministry of Health and the State Agency for Child Protection.

4.4.2 Trafficking in human beings

Problem	GE Named	Target groups	Inequalities	Voice	Responsible	Norm
Trafficking in human beings	-	victims of trafficking victims of trafficking foreign citizens Bulgarians victims of trafficking potential victims of trafficking at regional level children victims of trafficking	citizenship age regional	LAW Policy Plan	National Commission for Combating Trafficking in Human Beings Local Commission for Combating Trafficking in Human Beings state state institutions abroad NGOs	human rights
Lack of awareness	Awareness raising Prevention and qualification raising	risk groups, especially Roma minorities risk groups of women, children and ethnic minorities	gender ethnicity age class	Policy Plan NGO	NGOs media institutions for qualification and education	knowledge gender equality
Discrimination against women and children	Provide protection	victims of violence children victims of violence women victims of violence	age gender	Debate NGO	Parliament state NGOs	human rights

With the adoption of the legislation on combating trafficking in 2005 and after the recognition of the problem as national in character, the policy has divided into two positions. The first one was combating sexual exploitation (of children), influenced by the dominant priority of child's rights. The second was directed towards the issue of local trafficking in women with debates on prostitution and its legalisation.

The document analysis shows that gender equality is irrelevant in the legislation on combating trafficking in human beings. It defines the target groups as victims or potential victims of trafficking under the norm of the victims' human rights. Strong emphasis is placed on the target group of child victims of trafficking. The more general social category "risk group (unemployed, illiterate, individuals from risk regions, Roma minority)" is used to signify the potential victims of trafficking. Envisaging general protection measures, the legislation explicitly names women as potential victims of trafficking along with the children: "protect the victims of human trafficking, especially women and children". In the policy plan, ethnic minorities are added as part of this target group, where the inequality axes do not actually intersect and are presented as separate. Although the parliamentary debates stress the problem of violence as being a problem not only for children but also for women, the frame of human rights prevails. Even when gender equality is named, like in the statements: "respect the dignity of women and men" and the common "equal opportunities between women and men", de-gendering is present. In the issue of trafficking in human beings, the NGO text is the only policy voice that puts gender equality next to the human rights frame. In the prognosis part of the document, women as passive actors are defined without social determinant. In the proposed activities for the issue of trafficking in human beings, the category "women" intersects with class (women without qualification) and the complex category "risk group", which could include class, region, ethnicity and/or age. For the problem of trafficking in human beings, class appears to be a structurally defining inequality since the solution of the problem on the prevention side is seen in the activities of school inclusion, education, and increasing qualifications, all of which are related to achieving "economic independence". Here the frames of economic development and equality are present together with the frame of human rights. Responsible actors for achieving gender equality understood in this sense (apart from the state), are educational institutions and non-governmental organisations. Non-governmental organisations are recognised as responsible actors in all policy documents on gender based violence, being officially defined as such by the legislation. It is in this issue, relative to all other issues in the current analysis, where the role of the civil society is seen as the most important.

4.5 Summary and comparison

The definition of gender equality in the analyzed policy documents depends on the kind of social problem to be solved. In the legislation and related debates, gender equality is either irrelevant or a means to a broader state policy. The concept of “equal opportunities between women and men” de-gendered the policy. Furthermore, these equal opportunities are mainly located in the labour market, to “compensate” the lack of institutional mechanisms, policy plans and specific legislation; thus *the issue of gender equality is “smoothly” replaced by the issue of equal opportunities in the labour market* framed by the economic growth. The other policy line *replaces the issue of gender equality by the rhetoric of a more general concept of non-discrimination* including: sexual orientation, class, age, disabilities and ethnicity as separate inequalities. Another very important fact is that the policy initiatives for general gender equality were influenced in large part by international actors and under the pressure of the EU accession process. Since the country became an EU member in 2007, in the light of those prerequisites, the policies were abandoned. No law was adopted, no national mechanism was established and no programme has been recently developed.

In contrast with the issue of general gender equality where the EU level dominates the call for action, the policies of non-employment are much more dependent on the pressure coming from national level, especially on the voices in the parliament and some civil society voices. As concluded in the previous chapter, the institutional settings of general gender equality in the Ministry of Labour and Social Policy have structurally re-affirmed the constant relation of gender and class as mutually constitutive. This fact relates the two issues in the frame of economic growth. In this particular frame, along with class, the employment policies prioritise the social category of “family” and inequality of family status over that of gender which directly leads to de-gendering of the policies. In the policies with concern to the other dominant frame of demographic development, family status seems to “stabilize” gender as a category of social inequality in a mutually constitutive relation between gender, family status and class. Once again, regarding the term intersectionality, what is visible from the documents coded and analysed is that ethnicity (Roma) as a separate inequality is defined as the most marginalized social group in relation to employment and the domain of economy.

The discourse framed by demographic development is also present in the issue of intimate citizenship when the issues of family relations are the object of the policies. The de-gendering of the discourse is very strong since families and the children are the target groups. Gender is visible only when the frame of economic growth appears and

brings the inequalities of class and family status into relation with inequality by gender. It is the same mechanism of constructing the mutually constitutive relationships between inequalities that has been observed for the issues of general gender equality and non employment. In the sub-issue of assisted reproduction, the intersections of the inequalities of gender, disabilities and family status are present, there is de-gendering of the policies underlined by the frames of well being and demographic development. It is the inequality of age that invokes gender and the frame of gender equality. The sub-issue of sexual discrimination does not invoke gender and this is quite understandable given the structural tensions between general gender equality and anti-discrimination policies.

A very common feature for the issue of gender based violence is the tendency toward de-gendering, especially when the objectives and policy actions are identified in the laws, parliamentary debates and policy plans. Only one voice in the debates and the NGO voice insist on gendering the policies of domestic violence where “families” and “children” are the major target groups.

5. The range and the dynamics of intersecting inequalities

This chapter will distinguish the most important intersectionalities of gender and other inequalities in the policies in Bulgaria relevant to the four main policy areas with respect to their aspects and dynamics of construction. It will help to address the question of the significance of the context of intersecting inequalities on the development of different kinds of gender equality policies and the way in which civil society organisations are 'doing intersectionality'.

5.1 Inequalities in general gender legislation and gender machinery

General gender equality legislation

The most common intersectionalities for the issue of general gender equality are: gender+class and gender+class+family status.

In the policy documents, particularly in the parliamentary debate on the adoption of the draft law on gender equality, the concept of gender is opposed to all other inequalities. In the debate, gender is competing with other inequalities and all discriminated people “stand against” women and men. In this way gender is actually defined as an inequality in itself and the debate shows that gender alone lacks any social content and as such could hardly be an object of a public policy. The definition of gender needs a social determinant to become an issue of social and policy importance. Furthermore, gender could be understood as inequality only if this determinant has already been recognised by the policy as social inequality. Another implication of the competition between gender and other inequalities is the process of de-gendering the policy. This is most visible in the analysed documents on general gender equality, where the lack of intersectionalities leads to strong de-gendering. The tendency for speaking generally about “women and men” is present in the NGO text where in the prognosis part gender intersects with class and family status, while in the diagnosis part the term “women and men” is most often used. In the policy plan and draft law on general gender equality, the most important inequalities that intersect with gender are class and family status. The relation of these inequalities is mutually constitutive.

Dynamics of the intersectionalities. There are two major definitions of gender located in economy and in intimacy: 1) women/men employees, where gender intersects with class and 2) women/men with children, where gender intersects with family status. There is then a third definition which tries to integrate them through the concept of reconciliation of work and family life, where gender intersects with both class and family status. This policy attempt to integrate the different domains and their regulation is

present for in both state policies and the NGO voice; the only difference is that the NGO voice gives a negative definition of integration (lack of reconciliation creates unequal position at the labour market), while the policy plans define it positively-normatively (reconciliation creates conditions for equal opportunities in the labour market).

The debates on gender equality policies construct the opposition of gender and other inequalities as separate in the prognosis statement and in the diagnosis present this opposition of inequalities as gender competing with others.

Machinery

The Department at the Ministry of Labour and Social Policy was established as a public body responsible for policy towards equal opportunities, demographic development and anti-discrimination. Although it seems there should be various sets of intersectionalities, the analysed document on its establishment quite clearly defines the state specific understanding of each of the outlined policy areas. It separates the inequalities in a way that the policy of anti-discrimination is actually a policy for Roma integration where ethnicity as inequality is specified as discrimination against the Roma minority. The policy towards demographic development, focused on families, prioritises family status and to some extent the concept of citizenship (“nation”). The policy towards equal opportunities, specified as equal opportunities at the labour market, puts class first above all other inequalities.

The other public body, The National Council on Gender Equality, was established with the argument that there is a need for coordinated state policy towards equality between women and men. Like the other policy documents on general gender equality, it repeats the vision of integrating gender, class and family status through the notion of “reconciliation” - a lack of reconciliation of work and family life leads to inequality between women and men. What is different in this statement from all the others related to reconciliation analysed in the documents is that it strikes upon the tension within the concept of gender which further corresponds to tensions in family and work life respectively.

The institutional and normative aspects are the most common intersectionalities for the issue of general gender equality, both for policies and for the machinery.

NGOs and intersectionalities

Women's organisations are very rarely engaged with other inequalities, with the exception of class and family status though only in the way described previously in the analysis. In a few cases, and for the needs of the projects they are implementing, women of ethnic groups are included. There are not many active organisations of minoritised women, because they lack qualifications and foreign language skills which mean they are marginalised from the “NGOs project market”. Women's organisations

do not appear to have done projects with other NGOs and those they have implemented were mainly in the field of equal opportunities of women and men.

5.2 Inequalities in non-employment

The most important inequalities that intersect with gender for the issue of non-employment are class and family status: gender+class+family status; and also: gender+class+family status+age. There is only one document (Law on family benefits) where citizenship and class are privileged axes of intersectionality where gender is present.

Dynamics of the intersectionalities

There is a difference between the passive actors and the target groups among these intersectionalities. When the reconciliation related problems include mostly women and define them as passive actors, gender intersects with class and family status (working mothers, women willing to take parental leave or women willing to go back to work). There are also another group of passive actors defined by gender and family status (mothers, mothers with infants). The target groups for policies solving these problems recognised women primarily through their family status (mothers) and included them as target groups using the de-gendered concept of family (parents raising children). A wider range of intersections of gender with other inequalities are present in the policy plans (programmes) on benefits, reconciliation and equal treatment in the labour market. These types of policy documents in their prognosis part give various definitions of women+inequality. Apart from that, they do again follow a tendency to merge women's problems (as passive actors) into the problems of families when targeting the policy to particular social group. NGO documents do not make an exception in that policy line. It could be concluded that being present in the public domain of the labour market, women as passive actors are included by the policies as part of the broader so called "vulnerable" social group of people (most often mentioned among them are unemployed people and/or Roma minority). On the other hand, when women are part of the private domain as passive actors, gender+family status are included by the policies as part of the de-gendered concept of "parents" or even more general structurally defined institution of the family, most often defined through the class – poor families, families in need, etc.

There is another important specific in the analysed documents concerning the transformation of inequalities and the process of making gender invisible. The policy de-genders the problem of care work through leading on the inequalities of disabilities and age. For the issue of care work, all types of documents define the problem of care work as a problem of people with disabilities (mainly children) and to a lesser extent a problem of the families/parents raising children with disabilities. Those policies target all the passive actors in the diagnosis part and in the prognosis, adding unemployed

people who will also benefit from the policy plans and programmes ensuring new jobs and employment.

Behaviour, characteristics and norms are the most common aspects of the relation of intersectionality for the issue of non employment.

NGOs and intersectionalities

Trade unions were not actively engaged with gender issues. Women's organisations are the only actor engaged with the intersection of gender and class. Other NGOs do not include gender as part of intersectionality. The non-governmental organisations of people (parents with children) with disabilities are actively engaged with the inequalities of age, class and disabilities, recognised as mutually constitutive. Other civil society actors stress age as the dominant inequality intersecting with class.

5.3 Inequalities in intimate citizenship

For the issue of intimate citizenship a distinction between the two sub-issues of marriage and assisted reproduction must be made. Paradoxically, both issues are underlined by the frame of demographic development and in those cases where the policy is gendered women are defined as mothers (gender and family status). But the policies differ in defining the problems, the passive actors and the target groups (on all those indicators that intersectionality of gender and other inequalities could be found).

Dynamics of the intersectionalities

The policies towards “marriage, divorce, separation” present all kinds of women as the passive actors in the diagnosis – employed/unemployed women, young women/elderly women, women from minorities, women occupied with house work, women with infants, women living in agricultural areas, etc. Visible from these definitions is that gender intersects often with only one inequality. Again, most of the inequalities intersecting with gender in the diagnosis are transformed as a target group in the prognosis defined by the leading inequality. If there is gender+age (young women) in the diagnosis, in the prognosis it becomes age+class (disadvantaged among the growing generation). The same transformation is visible for the intersection of gender+family status (women with infants) in the diagnosis – the target groups in prognosis are transformed into risk families with children, poorest households with children (family status+class). The inequality of class seems to be the leading inequality in combating the demographic crisis, legitimating the need of the policies.

For the other sub-issue of assisted reproduction, gender intersects with disability and age. Defining the problem of assisted reproduction, the passive actors in the diagnosis and the target groups in the prognosis are all the same (women and men of fertility age who suffer from infertility). The family status implicitly consists in those sets of inequalities. These inequalities seem to be categories which directly refer to biology but

in fact actually exist as inequalities as long as they are socially constructed as such. The inequality of age present in this intersectionality could be interpreted as a socially constructed dynamic characteristic of a certain social position. Age is inequality not due to biology but only due to its social function to be a “fertility” age, “infertility” is a disability as long as it intersects with fertility age and the socially desired will to have progeny.

In the programme and law on non-discrimination policies, inequalities are defined as separate. The NGO text on sexual orientation defines the intersectionality of sexuality and family status.

Behaviour, norms and characteristics are the most common aspect of intersectionality for the issue of marriage, divorce, separation. The institutional and normative aspect of the intersections of sexuality and family status is addressed only by the LGBT voice.

The debates and NGO voice claim that the other aspects of intersectionality of gender+disability, behaviour and norms are a result of the biological function.

NGOs and intersectionalities

The active pro-family organisations are not engaged with gender issues, they integrated their claims of reproductive rights into the state dominant discourse of population policies. The intersectionality they are 'doing' is class and family status. With concern to children's rights, inequality of age is included in those intersections.

The civil society actors engaged with the problems of non-discrimination also do not consider gender as part of the intersectionalities. There are separate organisations of Roma minorities and People with Disabilities where ethnicity and disability respectively intersect with class. The only one active organisation of LGBT people in Bulgaria is engaged with intersectionality of sexuality and family status and, on rare occasions, with intersectionality of sexuality and class. All these non-discrimination NGOs are allies and have done projects together. The claims of the civil society voices coming from women's NGOs insist on the need for new legal regulation of family relations, but they do limit policies by the heterosexual normativity. Bulgarian women's NGOs have not raised the issue of sexual orientation in their public activities or implemented projects, nor has it ever been an issue of concern in their analyses. In the national context, the inequalities of gender and sexual orientation are distinctly separate as well as the formal and non-formal civil society groups fighting against them.

5.4 Inequalities in gender based violence

The issue of gender based violence is de-gendered in the laws and policy plans where other inequalities intersect most often in an additive social relation. Nevertheless, it is important to reconstruct them and to examine what happens when gender appears in those relations.

Dynamics of the intersectionalities

The inequalities of age and family status are present in the documents on domestic violence viewed as separate inequalities. Children are mostly recognised as victims. Victims of domestic violence are also differentiated as people with family problems/families with problems. The intersections of gender and other inequalities for domestic violence in defining problems are visible only in the debates and NGO documents, but even here women are not often mentioned as victims. The document analysis found out that gender enters the intersection defined by the inequality of family status not only alone but in few cases together with class.

The sub-issue of trafficking in human beings forms another issue with a strong presence of “class+age” intersectionality in all types of documents. Explaining the issue of trafficking in human beings in the diagnosis firstly as an issue concerning mostly young people; and secondly, as a consequence of the general economic problems in the wider society. In the prognosis, class and age appear again as major categories, especially for the policy plans and civil society texts, because the solutions of the problems include employment programmes for young people, victims of trafficking.

NGOs and intersectionalities

Women's organisations active in the field of gender based violence are seen as important responsible actors, which is not the case for the other issues. Their engagement with intersectionalities is mostly dependent on the definition of the “vulnerable groups”: gender (women), age (children), ethnicity (Roma), and class (unemployed and poor people).

5.5. Summary

It could be concluded that the dynamics of the intersectionalities depends on the construction of the inequality either as social or natural in character. The aspects of intersectionalities are mainly separated in the two groups by the policy aims, whether it would be changing norms and institutions or describing behaviour and characteristics.

NGOs and intersectionality. Civil society actors dealing with intersectionality are very limited and only women's NGOs include gender as the most commonly intersecting inequality with class. Non-discrimination NGOs (sexuality, ethnicity, disability) work on projects together and form alliances in which women's NGOs have not been present and/or not been willing to be part of. Women's NGOs working in the field of gender based violence have quite specific characteristics and differ from all other civil society actors in the way that they are recognised by the state, defined in legislation and at the institutional level as being active actors in policies combating domestic violence and trafficking in human beings.

6. Conclusions

The analysis of law changes and institutional transformations has found that the legal and institutional context is very important for the way inequalities and their intersections are conceptualised. The term “risk group” was introduced during socialism in policy and was revived in the current policy documents, adopted with the influence of the EU accession process. The term “risk group” proved to be indicative of the way the inequalities are present in the policies, considering the way the “risk” is defined. Considering gender inequality, the analysis identified three uses of the term:

- In the first usage of the term “risk group”, gender presents only the category of women and appears as a separate inequality in a “group of risk/vulnerable” with other inequalities. This intersectionality is not common for the policies towards social inequalities, since the category women still implicates a negative connotation from the socialist past.
- In the second usage of the term “risk group”, gender competes with all other inequalities in the newly adopted EU policies for non-discrimination. In this position, “the risk” in gender inequality (alone) is not “enough” provision for the policies, which is not the case with other social inequalities of sexuality, disability, and ethnicity which formed allies while gender was left outside of them.
- In the third usage of the term “risk group”, gender becomes visible when it has an additional “important” social determinant coming from another inequality. During the different periods of socialism, such strong determinants were class, family status and age; in the early periods framed by the economic growth (in socialist terms “social production”) and in the late periods framed much more by demographic development (“social re-production”). The current situation of this particular position of gender being dependent on an additional determinant is actualised by the same frames but in a different way and, due to the influence of the EU anti-discrimination discourse, the determinants were supplemented by the inequality of ethnicity.

Further, the empirical analysis was able to reconstruct this dependence of gender on other inequalities with concern to the way the intersectionalities are constructed and what underlies them. An important outcome of the analysis is that intersectionalities are constructed in a dynamic way which also means that there is a dynamics in constructing the base of the inequalities. The analysis also showed that the dynamics were set in motion by the frames of economic growth and demographic development. The inequality intersecting with gender in the different policies depends on the kind of

policy goals set to be achieved. These two major frames underlying the policies actually “set” the language for the policies and the inequalities themselves appeared as “interpreters” of gender.

Regarding the basis of intersectionality of gender with class+family status, the documents present the common recognition of the dual nature of gender (gender as biological and gender as social) in the interpretation of the base of other inequalities (family status and class). The rationale of whether class or family status is considered to be social or natural is hidden in the socially constructed definition of another inequality which is age.

In this regard, two very distinctive constructions of intersectionality can be outlined – when age “gives” family status social content and “naturalises” class and when age “gives” the class social content and “naturalises” family status. In the example of “policies of reconciliation of work and family life”, class is social and thus – changeable. In the example of “encouraging measures for demographic development”, the emphasis is on family status which is changeable.

There is also a third interpretation of the base of inequalities of class and family status intersecting with gender when inequality by ethnicity enters the constructed intersectionality. In the national context, policy towards ethnicities is limited almost entirely to the Roma minority. Another characteristic of the policy context is that Roma is seen as an inequality based on ethnicity, but it also amplifies the categories of class and family status, already evaluated as “natural”. In the definition “Roma women”, all the inequalities of ethnicity, class, family status and gender are interpreted as “nature”. Among them, the frame of economic growth rather than demographic development underlined the policies in the programmes for raising qualifications and reproductive health.

The “naturalised” character of the intersectionality in the term “Roma women” is most visible for the issue of gender based violence, where the frames of economic growth and demographic development seem irrelevant. The “Roma women” are included in the “risk group” in a separate way from the category of “women”. Considering the definition of the “risk” in the gender based violence, it is dominated by the inequalities of age and class. Since “Roma” amplifies class, only the category of age is added - “young Roma women” (victims of trafficking) or just “Roma women” (victims of domestic violence), and in the case of “women”: class and age are added “young unqualified women”(victims of trafficking), and “poor women” (victims of domestic violence).

The “naturalisation” of intersectionalities becomes a great obstacle to their legitimation in gender+ equality policies. The EU influenced frames of equality, human rights and non-discrimination led to de-gendering the policies. The construction of gender in the general gender+ equality policies as an inequality separate from other inequalities or integrated (in a de-gendering way) has situated gender in a contradictory position between minority and mainstreaming. Following is the process of the dependence of gender on other inequalities underlined by the frames of economic growth and demographic development; showing support for the hypothesis of the transformation of the object of equality “from social justice into economic utility”.

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