

/The lack of / Institutional mechanisms for gender equality in Bulgaria in the context of EU accession

by

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“Equal treatment of men and women is not yet considered as a serious social problem in Bulgaria. Indicative is the fact that the attitudes of women on the issue are similar to those of men.”
Alpha Research Agency, “The public opinion in 2002”

1. The need for compliance with EU standards

Bulgaria is one of the few countries in Europe and the only country in accession where there is not a single element of a national machinery for gender equality established.

This represents a big gap of the Bulgarian law and practice and non-compliance with the EU standards.

The *acquis communautaire* in the field of equal treatment of men and women and related *soft law* of the EU clearly require the establishment of an institutional mechanism for gender equality.

Such as the Communication from the Commission to the Council, the European parliament, the Economic and Social Committee and the Committee of the regions “ Towards a Community framework strategy on gender equality” /2001-2005/ and respective Council decision of 20 December 2000

establishing a programme relating to the Community framework strategy on gender equality/2001-2005/.

This is the gender mainstreaming approach, adopted in 1996 by the Commission/ Commission Communication of 21 February 1996 “ Incorporating Equal Opportunities for Women and Men into all Community policies and activities” -COM/96/67 final/. In parallel to gender mainstreaming, persistent inequalities continue to require the implementation of specific actions in favour of women. The proposed framework strategy is based on this dual-track approach.

An important step and incentive towards the establishment of an institutional mechanism for gender equality is the adoption of *Directive 2002/73/EC Amending the 1976 Directive 76/207 on Equal Treatment of Men and Women.*

During the negotiation process and the harmonization of the legislation and practice with the EU standards Bulgaria accepted to be bound by the major directives on equal treatment of men and women and by the framework strategy on gender equality. The approach of mainstreaming and adopting specific actions, affirmative action included, is related with institution building and profound policy changes.

2. An attempt for initial establishment of national machinery under the influence of the BPFA/ Beijing Platform for Action/

After the 4th World Conference on Women in Beijing – September 95, a Focal point on gender equality was established in the Ministry of Foreign Affairs. In parallel, by a special Decision of the Council of Ministers a *National Plan for action* was adopted by the government in 1996. It was a precedent for Bulgaria achieved mainly through the

pressure of women's NGOs. This Plan was presented to the UN Division for the Advancement of Women .

In addition to that, with a special governmental Decree a *National Council on Social and Demographic issues* was created in 1996 in the framework of the Council of Ministers. It was announced that this council would be responsible for women's issues., too. A mechanism for NGO participation in the council was established. Despite the fact that women's issues were hidden behind the more general social issues, it was a clear institutional progress at that time.

Unfortunately, after the political changes in the beginning of 1997, everything which was established by the socialist government was blown away by the UDF/ Union of Democratic Forces/. The emerging and very fragile elements of the national machinery on gender equality were among the bodies and issues sacrificed. Namely, the Council was transformed into a Council on ethnic and demographic issues from which women's issues and NGOs were excluded. The initial Plan for action was not endorsed , developed or implemented by the government.

As a matter of fact, gender issues were completely forgotten and “ buried ” at that time, in order to emerge again only in 2000, after the start of the negotiations with the EU.

3. The equal opportunities legislation in the 39th National Assembly and the lack of consolidated interest for regulating and monitoring gender equality .

3.1.The Draft Act on Equal Opportunities of Women and Men /EOWM/ marked a crucial stage for the establishment of a gender equality mechanism in Bulgaria. The renewed interest of the democrats in gender issues was provoked by the pressure of the EU and by the “Beijing plus 5” process. Women's NGOs definitely played a very important role.

The Draft Act was presented to the new 39th National Assembly. The institutional mechanism provided in the draft was at a high governmental level- at the level of the Ministry of Labour and Social policy.

The Minister of Labour and Social Policy had the primarily competence according to the draft. His work would be facilitated by a National Council of Equal Opportunities with the participation of NGOs and the social partners. Gender equality would be mainstreamed at ministerial level and at the level of local self-governance. The municipal councils would ensure gender equality at local level, facilitated by specially established public councils. NGOs would have to play an important role in this process. The Council of Ministers would be responsible to set the terms and conditions for the elaboration of strategies, plans and programmes by the ministries. In addition to that, an equal opportunities ombudsperson was envisioned in the draft.

The fact that after the last national elections in June 2001, women made almost 26% of the Bulgarian parliament was another important factor for expecting more visibility of gender issues and women's concerns. The new Minister of Labour and Social policy was a woman and a Vice-prime minister!

As a matter of fact, the high expectations were not met. On April 3, 2002 the draft was rejected by the majority in the parliament - the representatives of the National Movement Simeon the Second/NMSS/. This was the political force with the majority of women in the parliament.

The main argument used for justifying the negative vote was the declared intention of the majority to introduce soon a comprehensive anti-discrimination law. This promise replaced the Act on EOWM and the respective mechanism for gender equality in the negotiations with the EU on

Chapter 13. In May 2002 this Chapter was closed with the commitment for the adoption of a general anti-discrimination act. It was obvious that gender equality did not happen in Bulgaria and that the initial establishing of gender equality institutions was postponed for another at least 1-2 years.

Despite the high number of women, gender prejudices continued to work in Bulgaria , reinforced by women in power themselves. Two of the main obstacles for gender equality in Bulgaria still subsist: the concept that gender equality is something achieved in Bulgaria since the previous regime and the prevalence attributed to the formal equality versus and over *de facto* equality.

3.3. This gap between the relatively high number of women in parliament and the lack of interest for gender issues was identified by the research agencies in Bulgaria in 2002 in the course of surveys conducted in cooperation with NGOs. The findings of the National Centre for Study of the Public Opinion/ NCSPO/ , the Institute for Regional and International Studies /IRIS/ and “Alpha Research Agency”/ARA/, in relation to a project of the Bulgarian Gender Research Foundation , are as follows:

- Women in the parliament are not conscious of the power their represent; they are not consolidated around common ideas and interests; women in parliament represent different political and economic interests.
- Parity in politics and gender equality legislation are not popular among the MPs, both women and men and these issues are rather seen as “imported” from abroad.
- NGOs and the civil society outline the necessity of legal regulation whereas the support of political parties is defined in too vague terms.

These conclusions are fully valid for the attitude towards the establishment of national mechanisms for gender equality.

3.4. The lack of political will for the adoption of special gender equality legislation and mechanisms is one of the main reasons for the absence of case law related to equal treatment between men and women in Bulgaria. The absence of the so called “ culture of law” in Bulgaria makes another obstacle to the effective exercise of the rights.

4. Latest developments - elements of gender equality machinery under consideration

- 4.1. Since the beginning of 2001 some women’ s NGOs started a campaign for the establishment of a gender equality committee/ or sub-committee/ in the parliament. The role of the committee would be to develop special knowledge and awareness and create the opportunities for passing gender sensitive legislation, for screening legislation from the gender point of view, especially in the field of labour and social issues.
- 4.2. Since the beginning of 2003 we have been witnessing renewed interest in the issue and an independent woman MP from the 39th National Assembly decided to propose officially the creation of a committee on gender issues. The idea received support from women’ s NGOs. Its realization would bring Bulgaria closer to the EU standards- the practice of such committees has played an important role in many European countries.
- 4.3. The draft anti-discrimination act contained the establishment of an anti-discrimination commission as a separate independent body. It is provided for one of the vice-presidents to be specialized on gender issues. The main competence of the commission will consist in investigating and punishing discrimination cases, gender discrimination

included. If such a body will be finally adopted with the new law, one of the requirements of the new Directive 2002/73 will be fulfilled.

- 4.4. Renewed interest is shown for an amended version of the draft equal opportunities act, initially rejected in 2002. The Union of democratic forces is looking for the support of the other political forces in the parliament for passing this draft by the 39th National Assembly. This new legal initiative has the support of women's NGOs.
- 4.5. In February 2003 a new consultative body was created at the Ministry of Labour and Social policy- a Consultative committee on Equal opportunities. This is a meeting point of non-governmental and governmental representatives with activities related to gender equality. The new consultative body makes part of the National Council for employment promotion/NCEP/ in the Ministry of LSP. The vice-minister of Labour and Social policy is the Chair of the NCEP, and respectively, of the Consultative committee on Equal opportunities. Women's NGOs and women experts are the most active participants in this new and promising body.

4.6.

Another step ahead is the adoption of a new OMBUDSMAN ACT . which establishes its legal status, and the general framework of its activity. The Act will enter into force on the 1st of January 2004.

Pursuant to the new law and in consistence with the traditional concept of this institution in many legal systems worldwide, the mission of the ombudsman will be to intercede by all legal means for individual human rights and legal interests when they are infringed by any act of state or local authority or administrative body or by any act of a person providing public services. The ombudsman shall be independent in his/her activity and shall have free access to any information available at state and local level institutions that is relevant to a certain complaint or signal referred to him. The ombudsman shall be authorized to make proposals and recommendations before the respective authorities for restoring

person's rights and to mediate between the administration and the affected person, aiming at amicable settlement of their dispute. By enacting a regulation about the ombudsman Bulgaria is making a substantial progress in the field of human rights protection. The legal framework allows the person who will be in charge of the function of an ombudsman to considerably contribute to the overall process of improvement of the legal and social environment. The implementation of the Ombudsman Act has will have a considerable impact on gender equality .

5. Conclusions and main points for intervention

It is obvious from the situation described that the establishment of a 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 form the EU institutions during the negotiation process for establishing the gender equality machinery as part of this process. Despite the fact it has been identified as one of the problem areas in the Progress towards the accession reports of the EU Commission, no specific recommendation was addressed to the Bulgarian government.

Last, but not least, the support of the activities of NGOs which made gender issues visible is highly recommended. Women's NGOs stay behind all the initiatives mentioned above and make continuous efforts to make them reality. Research, education , information and awareness raising, counselling services and legal assistance, especially in cases of gender discrimination, should be encouraged.

