

## **Bulgarias Report on the Institutional Mechanisms for the Advancement of Women (since the Beijing conference)**

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Currently, Bulgaria is but the only country in Central and East Europe without a national machinery for the advancement of women.

In 1998, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) stated with regard to the report of the Government of Bulgaria.

"The Committee noted with concern that the Government of Bulgaria apparently lacked an understanding of article 4.1 of the Convention. As embodied in the Convention, special, temporary measures or affirmative action meant the establishment of programmes that advantaged women more than men. They required undermining formal equality for a certain period of time in order to achieve de facto equality in the long term. The reference by the representative of the Government of Bulgaria to earlier retirement age for women than men cannot be regarded as a measure of affirmative action. The Committee was concerned that there were no special laws aimed at bringing about women's de facto as well as de jure equality and that the Government had not demonstrated a commitment to introduce special, temporary measures in the near future."<sup>1</sup>

Guarantees for the advancement of women are not in place. The only relevant legal provision FOR DE JURE EQUALITY is the Constitution of the Republic of Bulgaria, in force since 1990. In fact, the Constitution states, that all citizens are equal regardless social status, religion, ethnic origin, sex etc. Women are mentioned only in connection with marriage, otherwise "mothers" are subject to special protection by the State. There is no legal guarantee for equal pay for equal value of work.<sup>2</sup>

### **Background: Transition and Reform Efforts in Bulgaria 1989–1998**

In the last eight years a fundamental process of transition from totalitarian political regime and centrally planned economy to pluralistic democracy and market economy has been taking place in Bulgaria. The collectivist tyranny of communist ideology and practice started to be replaced by individual freedoms and a new social contract between citizens and governments.

Since 1990 four Parliaments, nine Governments and three Presidents of Bulgaria have been trying to identify a development path, which will take the country out of the deep economic crisis and isolation and will bring it to the family of the modern European societies. The reform agenda was set up quite early in this process – creating a pluralistic political system (first democratic elections were held in 1990), adopting a new Constitution

(1991), ensuring human rights and freedoms, liberalising the economy, reforming the State administration, developing civil society. However enthusiastic at the beginning, the process of democratisation soon proved to be difficult and uneven. Bulgaria managed to avoid civil unrest and violence during this period. But after 1989 for six years it was directly or indirectly governed by post-communists, who slowed down or only imitated reforms and who got widely known for their economic policy for "nationalising losses and privatising profits" of the state economic sector, which still accounted for 80% of the whole sector. This brought the country to the deepest crisis it has ever experienced in its modern history.

Transition from a totalitarian regime of communist type that is determined by a profound redefinition of the role of the State. While before 1989, the fall of the Iron Curtain, the State owned and controlled virtually all spheres of public and private life (as no other dictatorship established elsewhere in the world), after 1989 the crucial struggle was, whether the State should withdraw from the economy, allowing for free market, and private economic and civil initiative. However, after the collapse of economy in 1996, which led to the deepest social crisis, experienced by the Bulgarian people, and radical political changes, since 1997 the question is not whether, but how much and how fast the State can withdraw from economy (including the social services market), allowing for decentralization and self-government. Additional obstacles for development, resulting from the year-long struggle around the redefinition of the role of the State, are organized crime and corruption within the state institutions, currently illustrated by a public argument between central and local government (about where corruption is worse).

### **The social cost of transition: Poverty**

In 1996–1997 people in Bulgaria were forced into a struggle for sheer survival. The country was in a state of hyperinflation – the annual inflation rate reached 311% in 1996 and the currency depreciation was 3,000%! This situation seriously damaged people's incomes, devaluated their savings and created massive poverty. Wages and pensions were seriously eroded by the inflation – in US dollar equivalent, the average monthly wage fell from about \$ 110 in 1995 to \$ 20 in the first months of 1997. This is particularly significant for Bulgaria where the main sources of income are wages and salaries and the share of other types of income, that are not so severely affected by the inflation, is very minimal, e.g. income from property – 1,2%, income from entrepreneurship – 6%.

Although employed, people faced poverty, hardship and insecurity. The number of households with income below subsistence level reached 54% in 1996 and those below the social minimum level rose from 41% in 1990 to 73% in 1996. The purchasing power of the population halved and it created changes in household consumption: the share of expenses for foodstuff were increased from 36% in 1993 to 55,9% in 1997. The average monthly pension fell by 65% in the period 1990–1996. Drastic negative changes in the level of consumption and security occurred for women-headed households, pensioners, families with many children, people with disabilities, people from some ethnic minorities. This massive impoverishment was an unexpected result of the transition, and it had a shocking effect on the public.

Poverty is growing among women-headed households, which comprise 21,4% of households in Bulgaria, and their number continues to grow due to the higher life expectancy of women (63% of old age people are women), the increasing number of divorces and the fall of the marriage rate. 64,9% of female households are prevalingly poor from the point of view of absolute poverty, but they are also poorer than male-headed households. Factors of poverty among women are related to their role as careers within the family, to limited territorial mobility and lack of appropriate skills, that prevent them from successfully competing at the tight labour market. Women also experience growing hidden discrimination in employment and have limited access to re-training. The impoverishment of such large groups of women of different age and social background is rooted in structural reasons of gender inequality, which are generally not recognized. Strategic intervention efforts by the Government are subsequently condemned to fail.

Another new phenomenon which deepened people's disorientation and challenged their egalitarian perception of the society was the widening gap between income levels – in 1996 the wealthiest 20% of the population received income which was 5,8 times higher than the poorest 20%. Together with the understanding that these differences were inevitable in a free market environment there was a strong disapproval to the process of income stratification and also a strong expectation that everybody should have an "equal start and equal opportunities" and "the State should regulate incomes".

Unemployment was also a new problem for Bulgarians. It occurred as a result of several pressures. The first was the crisis itself which forced budget cuts in state subsidies, especially in the industries, public sector and state administration – this resulted in cutting subsidized work places which were ineffective or unnecessary and in shrinking the personnel to the minimum possible. Protective labour legislation was neglected or changed, which affected women in the private sector especially. The second was the structural adjustment which was initiated in 1996 with an agreement between Bulgaria and the IMF but which started to fully operate in 1997–1998 – re-

structuring of economy required closure of loss-making enterprises and privatisation, both of which caused massive lay-offs of people. Employment in the public sector dropped by 21,1%. At the same time the private sector was not developed enough to absorb the work force released by the structural reform. In 1996 only 35,5% of active population were actually working. In the beginning of 1998 the level of registered unemployment continued to be around 14%. As a direct consequence of economic, social and demographic development, now in Bulgaria there are four people depending on each worker.<sup>3</sup>

Economic and social crisis management still prevail in the mentality of policy making. The current Government outlined a program for its four-year mandate, that is rather specific with regard to financial and economic stabilization, privatization of state-owned enterprises, promotion of private business, fight against mafia and organized crime, public administration reform and regional decentralization, but very unspecified with regard to social reform. Sustainable development as strategic concept is considered something lying far beyond the mandate of this Government.

### Transition and Anti-Feminism

Equality between men and women as a principle stood at the basis of the Marxist doctrine and it was seen as providing women with full and equitable access to economic activity outside home. Equal access to employment, it was argued, would inevitably and automatically lead to equality in all other spheres. Practically, women were provided with paid jobs outside home both, for ideological, but more importantly for pragmatic reasons due to the demand for cheap labour of the extensively developing economy. Although the principle "equal pay for equal work" was applied in practice and the State (as the only employer) provided unified salary rates for all levels and types of work, in average women received lower wages. Disregarding their achievements in education women had to conform with marginalised positions and limited career chances. In general, this situation left generations of Bulgarian women with very frustrating experience from being "equal workers". Women were not emancipated as individuals but as members of collective productive entity. They were expected to comply with their triple role "good worker, caring mother and wife, active citizen". Changes in gender based power relationships was not envisaged. At the same time there were some positive effects of the compulsory employment – several generations of women were socialized and educated at home and at school with expectation and positive motivation to have paid employment outside home.

Subsequently, it is the common believe of institutions, NGOs and people, that we have already dealt with this problem in Bulgaria, that this is not an issue any more. Or, that the necessary progress has already been achieved and gender equality is not a priority on the contemporary

reform agenda. Yet, promoting women's human and social rights bares certain "retro-communist" flavour and it is seen as quite "reactionary" in the context of desired transition to liberal market economy.

### **Action Undertaken by the Government**

#### *a) Institutional Mechanisms for the Advancement of Women*

From October 1995 to January 1997 an inter-ministerial "National Council for Social and Demographic Issues" has been in existence, with an unclear mandate to advise the government on minority and gender issues and to serve as mechanism for cross-sector dialogue (between government and non-governmental organisations). The Council was presided by the Deputy Prime-Minister in charge of social policy. According to the NAP, i.e. in terms of "short-term goals" (in other words: not executed) it was envisaged:

"1. Establishment and financial provision for a separate structure for promotion of equal opportunities for both gender, with the National Council on Social and Demographic Issues. The newly formed institution should work for:

- extensive education campaign for equal opportunities in support of active measures against violence in or out of the home;
- adoption of measures against sexual harassment at the workplace;
- participation of women in decision making;
- development of criteria for evaluating the actual opportunities to both genders in the various spheres of life;
- close cooperation with women's organizations, inclusive of political and other non-governmental organizations.

2. Establishments of structures for promotion of gender equality in the state administration."<sup>4</sup>

The National Council appeared as an "Intergovernmental Commission on Equality" in the governmental report to the UN (the reported Head of the "Commission" was Vice Prime Minister, the stated address was that of the Foreign Ministry), but in fact there was never set up institutional mechanism for the advancement of women whatsoever, part of the executive power. By doing so, the former Government assumed its obligations in a formal way trying to fulfill the NGO community's expectations (the Fourth World Conference on Women was the very first UN conference with a significant Bulgarian NGO participation) as well as to formally appear as an accurate partner of the international community (reporting to the UN fills several pages of the "National Action Plan").

In February, 1997 the Interim Government (February-May) closed this Council. In December 1997 the current Kostov Government created a new National Council for Social and Demographic Issues, which does not have a

mandate to follow up on gender, but on minorities only, although the government reported to CEDAW<sup>5</sup> in January 1998, that this Council is being working on the implementation of CEDAW and the Beijing Platform, i.e. the National Action Plan, thus confirming its commitment for the first time.

It remains unclear, whose responsibility the implementation of the National Action Plan is. There is no primary ministry or governmental agency authorized to undertake or coordinate practical steps. Several Ministries (of Justice and European Legal Integration, of Labour and Social Policy, of Foreign Affairs etc.) have been involved in gender sensitization training under various programmes offered by the European Union, OSCE and the Council of Europe, but so far there are no signs of attempts of mainstreaming gender. The existence of gender issues is being denied as such.

#### *b) The National Action Plan*

In 1996 an inter-ministerial working group headed by the Secretary General of the Ministry of Labour and Social Affairs (a woman), after consulting twice with women's NGOs, succeeded in developing a national action plan. It was adopted by the Government in October 1996, shortly before it was forced to resign, and duly reported to the UN.

The document was initially named "Measures To Implement The Beijing Platform", intended to serve as a kind of "Letter of Intention", and although it was presented to the public under the title "National Action Plan", parts of the text state the initial title.

With regard to the contents the main conclusions are:

- The "Plan" indicates the necessity of the elaboration of a National Action Plan in an unspecified future (this is repeated at least three times).
- It does not contain any time-lines or short-term tasks, any responsibilities (but nevertheless it states the NGOs' responsibility for implementing the Plan), any expected or measurable results.
- The NAP is not based on funds allocated for its implementation. The only funding indicated is funding from foreign sources, such as the EU Phare program, UNDP, as well as fundraising by women's not-for-profit organisations.

Therefore, the above mentioned document never influenced public policies in any way. It became never known to the wider public. Information on the results of the few projects meant to bring about gender equality is not available.

The document itself is badly structured and completely unclear about the vision, particular steps and mechanisms. It is a combination of wishful thinking and sticking to a socialist type of governance. The patriarchal perception (the patrimonial role of the state, women needing welfare,

violence as "crimes perpetrated against and by women" etc.) is obvious when there is a complete absence of short-term tasks.

The Plan ranges the following priority areas: women's human rights, women and the economy, unemployment/poverty and social security (in terms of vague ideas about enabling environment for mobilizing women's own potential), women and environment, education and vocational training, access to and improvement of health services, violence against women and girls, women in culture "for conflict resolution", fostering the role of mass media and of women's NGOs and cross-sector cooperation.

Priorities as by the Bulgarian NAP:

- Protection of women's rights and their equality in society.
- Ensuring the rights of women in the sphere of labour, social security and social assistance.
- Equal access of women to the political, economic and social life in Bulgaria.
- Increase of employment and reduction of unemployment among women.
- Reducing the poverty among women and improvement of social assistance and social welfare.
- Ensuring full and adequate participation of women in environment protection and reduction of ecological risks to their health.
- Ensuring equal access of women to health care and medical services.
- Prevention and elimination of all forms of violence against women and by women.
- Solving the problems of women related to gender equality in society, with the peaceful means of culture and cultural interaction.
- Improving the role of the mass media for achievement of full and true gender equality.
- Cooperation and interaction with non-governmental women's and other organizations for solving the problems of women.

With regard to practical implementation the NAP envisages in the longer term:

- Preparation of long-term strategic plan for achievement of equal opportunities for women and men in Bulgaria.
- Formation of Commission on gender equality, comprising the social partners and the women. The Commission should have the appropriate authority for supervision, arbitration and education activities.
- Adoption of measures by the Government with the active participation of NGOs against all forms of violence against women.

- Formation of a contact group comprising representatives of the Government, the NGOs and the representative missions of international inter-governmental organizations to Bulgaria.

The two main policy documents issued by the Government in 1997 (Bulgaria 2001; National Strategy for the Accession to the European Union) do not mention any action directed at the advancement of women, in contrary to minorities and so called "non-traditional" religious groups that are rather high on the official human rights agenda.

#### *c) Particular Actions Undertaken by Government*

- UNDP Business incubator for women – a small scale pilot project in the Rhodopes region of Devin (South East Bulgaria) – in cooperation with the National Employment Agency. The project started end of 1997, information about results was not available.
- Certain local Labour Offices offer job search skills training for women, as for instance in some districts of Sofia city. Except for the participants, the training itself is not gender-oriented.
- There is a consensus between the political parties in Parliament that the Bulgarian Family Code needs to be completely reformulated. This process has started.
- In 1996, the Penal Code was amended by harsher penalties for sexual violence against minors and adolescents, as well as for forcing people into prostitution, sexual exploitation, child prostitution, and kidnapping and trafficking in "human beings". (No changes to provisions applicable to domestic violence have been made so far.)

### **Recommendations**

The Government of the Republic of Bulgaria needs to review previous commitments in order to come up with a step-by-step strategy for their implementation, that reflects the fundamental changes in the development policy. Based on the good results, achieved with regard to financial stabilisation, the drastic limitation of inflation, the slow increase of people's incomes, the regained state control over the economy and the administration (fought back from mafia and corruption), advancing privatisation and economic and social restructuring, Government is now in the position to urgently face the reality of the gender aspect of transition. This is the only way to prevent a lasting impoverishment of two thirds of the Bulgarian population. Practical steps should include:

- A review and re-definition of the existing National Action Plan by an inter-ministerial working group (Ministry of Labour and Social policy, Ministry of Interior, Ministry of Justice and European Legal Integration, Ministry of Education, Ministry of Health, Youth Council), using all available expertise offered by the European Union, Council of Europe, the

European Parliament's Equality Commission, CEDAW experts, Bulgarian women's NGOs, researchers etc. The Plan should determine concrete, measurable goals, benchmarks, responsibilities, and funding sources.

- A review of national machineries, existing in other (including neighbouring) countries with the necessary legislative provisions for the establishment of a Bulgarian National Machinery for the Advancement of Women, in accordance with the Beijing Platform. A national Council for Gender Equality as focal point for Government-NGO cooperation should be established.
- The assignment of an experts team to develop a strategy and a practical (training) guide for mainstreaming gender in all policies at national and local level, using all tools for mainstreaming and gender audit already developed, e.g. by the European Commission.
- The Ministry of Justice and European Legal Integration should be responsible for adapting the Bulgarian legislation to the standards of EU legislation for gender equality. Particularly, the Constitution should be amended with a definition of discrimination, based on CEDAW Article 1.
- The institution of a Human Rights Ombudsperson, funded by the state budget, but independent from administration and political parties, should be introduced as soon as possible. Citizens should be provided with the opportunity to appeal to the Constitutional Court in their individual capacity.
- The provision of adequate funding, including matching funds, for collecting gender disaggregated data and for gender studies.

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or de jure equality, now tended to impede a proper understanding of the complex issues of discrimination, such as structural and indirect discrimination, which further compounded the situation of the de facto inequality for women. (...) The Committee considered that the persistence of the emphasis on women's role as mothers, together with the extensive protection provided to women as mothers, tended to perpetuate sex role stereotypes and reduce the father's role and responsibility in the upbringing of the children. This made it difficult for the Government to promote new concepts of men's and women's roles without appearing to interfere, once again, with individual choices and desires."

- <sup>3</sup> Bulgaria 2001 – Program of the Government of Republic of Bulgaria, 1997.

Bulgaria: National Program for Social Development (follow-up to the Declaration and the Programme of Action for Social Development, Copenhagen), 1996

National Human Development Report, Bulgaria 1998, UNDP Poverty in Transition, Bulgaria, 1998, ILO/UNDP

Women in Poverty, Bulgaria, 1998 ILO/UNDP

National Statistical Institute of the Republic of Bulgaria: Statistical Yearbook 1997.

- <sup>4</sup> National Plan for Action To Implement the Government's Commitments With Regard to the Beijing Declaration and the Global Platform for Action.

- <sup>5</sup> As most governments, namely those of the CEE region, the Government of Bulgaria finds it difficult to understand the essential difference between de jure and de facto equality. Often the very concept of gender is dismissed as "western nonsense". Government tries to argue, that since there is no explicit discrimination mentioned in the national laws, there is no discrimination. They use the language of gender and non-discrimination, without really understanding the meaning. Ms. Primatarova, Deputy Foreign Minister of Bulgaria, stated that "the national legislation is based on equality and non-discrimination" assuming that if women are not excluded nowhere, they are not discriminated against. This is why CEDAW recommended that a definition of discrimination based on Article 1 of the Women's Convention be included into the Constitution.

Ivanka Corti, CEDAW Rapporteur on Bulgaria: "Recent structural changes in Bulgaria have resulted in traumatic effects, most strikingly for women (...). Bulgaria's report has not reflected the Government's strategy for implementing the Convention, nor has it indicated the Government's overall strategy for addressing women's issues. "Governments often argue that temporary special measures" ("the establishment of programs that do more for women than for men; that, in fact, temporarily undermine formal equality in order to achieve de facto equality", Hanna-Beate Schopp-Schilling) would discriminate against men, that not "quantity but quality is important", thus refusing to take on their responsibility for the majority of the population!

Government hesitates to interfere in private business and the family sphere, excusing themselves with religion and traditions. By withdrawing their reservations to the Convention, they agreed not to do so.

<sup>1</sup> CEDAW/C/1998/IL.1/Add.6, 30 January 1998.

<sup>2</sup> "While the Committee noted the fact that the Bulgarian Constitution contains the principle of equality between women and men, it was concerned that the Constitution does not contain a definition of discrimination modeled on article 1 of the Convention (...). The Committee considered that previous ideological positions, including the former emphasis on formal