



**MONITORING OF THE UN CONVENTION ON THE ELIMINATION OF ALL
FORMS OF DISCRIMINATION AGAINST WOMEN IN BULGARIA**
SUMMARY OF REPORT 2023

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THE CONVENTION

The UN Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979 and has been in force in Bulgaria since 1982. By accepting the Convention, our country undertakes to include the principle of equality of men and women in the Constitution of the Republic of Bulgaria or other relevant legislation; adopt appropriate legislative and other measures prohibiting any discrimination against women; to establish legal protection of the rights of women on an equal footing with men and to ensure, with the help of the courts and other state authorities, the effective protection of women against any act of discrimination, etc.

In fulfillment of the international and European commitments undertaken, the principle of equality has been introduced in the Bulgarian legislation. Yet, differences still exist in women's and men's employment, in the amount of remuneration and pensions received, in decision-making, in the distribution of household duties and in caring for dependent family members. For the Ombudsman, the current Equality between Women and Men Act is rather formal and does not propose new arrangements that correspond to the level of development of social relations and does not regulate the basic mechanisms for gender equality. It is rather declaratory in nature, with no significant practical effect.

Equality between women and men is important for achieving national objectives of higher economic growth and employment levels, equal opportunities and social cohesion. Implementing the right to work, ensuring equal access to employment and empowering women are among the priorities of the Republic of Bulgaria.

CEDAW IMPLEMENTATION IN BULGARIA 2023

The response of the Ministry of Labour and Social Policy states that the National Action Plan for the Promotion of Equality between Women and Men for the period 2023-2024 has been developed in accordance with the Equality between Women and Men Act and the National Strategy for the Promotion of Equality between Women and Men 2021-2030, adopted by Decision



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of the Council of Ministers No. 969 of 30 December 2020. This Action Plan follows the principles, objectives and priorities of the National Strategy and covers the two-year period 2023-2024. It aims to implement the unified policy on gender equality through the measures included by various institutions and organisations, structured around five priority areas: gender equality in the labour market and equal economic independence; reducing gender pay and income gaps; promoting gender equality in decision-making processes; combating violence and protecting and supporting victims; and overcoming gender stereotypes in various areas of public life and sexism.

The National Action Plan sets out measures for better reconciliation of work and private life and for providing employment to unemployed persons by providing childcare opportunities, encouraging employers to hire unemployed persons, developing the skills of unemployed women through vocational training to increase their participation in the labour market, etc. Measures aimed at reducing gender gaps in income and promoting an equal degree of economic independence are included. Taking into account the importance of combating violence as one aspect of gender equality policy, measures are envisaged relating to the provision of social services to victims of violence. Awareness-raising measures, media monitoring, etc. are planned to overcome existing gender stereotypes in various spheres of public life.

Implementation of the Plan is ensured within the limits of the appropriations approved in the budgets of the responsible institutions, as well as by alternative funding from other sources. The Plan is an open document, and institutions and organisations can implement additional measures to promote equality between women and men. The reporting was done through a report on gender equality.

In a communication from the European Commission, Bulgaria ranks 18th in the EU on the gender equality index with a score of 60.7 out of 100, which is 7.9 points below the EU average.

In our country, a serious problem emerges that women more often than men are employed part-time, work more at home or are engaged in other atypical forms of employment. This in turn leads to lower pay levels. There is also an uneven concentration of women and men in the different sectors of the labour market, for the regulation of which adequate measures have not been taken.

Women are still mainly responsible for childcare, elderly and dependent family members, which directly reflects the fact that women have less free time than men. Women have to be absent from work more often for family reasons, which also has a negative impact on their career development and growth. More women are employed in the health and education sectors, unpaid care and domestic work, making them more vulnerable to the effects of the pandemic. In many areas, women are still earning less than men for the same work, and this has a direct impact on the pensions they receive. For example, data in a report of the National Statistical Institute on the poverty line and social inclusion for 2022 shows that the highest relative share of the poor is among one-person households with a person aged 65 or over (61.3% in 2022) and one person in the household who is female (56.2% in 2022). Among single-person households, the risk of poverty for women is 21.9 percentage points higher than for men. It is undeniable that increasing



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women's participation in the labour market contributes to a positive impact on the economy, enables women to shape their own lives, play a role in public life and be economically independent.

Unfortunately, the principle of gender equality is also violated by public statements that are sexist, incite hatred, and most often lead to blocking action to combat gender-based violence and gender stereotypes. Existing gender stereotypes are a major cause of gender inequality and affect all areas of society. Stereotypical expectations that are based on norms about women and men, about girls and boys, limit their opportunities to participate in public life, restrict their freedom of choice for decisions in their own lives and must therefore be eliminated. This includes as measures educating boys and girls from an early age on gender equality issues, and supporting the building of non-violent relationships.

THE OMBUDSMAN IN PROTECTION OF THE RIGHT OF ACCESS TO HEALTHCARE OF PREGNANT WOMEN

For years in our country there has been a problem of the right of access to healthcare of uninsured women whose pregnancies are not monitored by specialists, they give birth without monitoring their pregnancies and without the necessary examinations. Resolving this problem has been a priority for the Ombudsman in the work of the institution over the years, and in view of the problems identified and in order to protect the right of pregnant women to access quality healthcare, the Ombudsman recommends that the Minister of Health take action to regulate the possibility of conducting a greater number of examinations and tests during pregnancy, also covering the beginning of pregnancy, which would be of great benefit for the prevention of complications, their timely diagnosis and treatment; discuss different options to ensure that uninsured pregnant women have access to medical care, with at least four examinations and basic tests included in their package.

The changes in Ordinance No. 26 of 2007 entered into force on 1 January 2023 and include: providing inpatient medical care, increasing the number of preventive examinations during pregnancy monitoring to four and providing a package of medical-diagnostic tests.

According to the information of the Ministry of Health, in 2023, 3,925 examinations were reported under Ordinance No. 26, and 728 doctors worked during the year under it. The funds paid by the NHIF with transfer funds from the MoH for obstetric care provided to uninsured women amounted to BGN 11,189,727. BGN 8,789,000 were approved in the NHIF Budget Act for 2024 for activities of uninsured persons. The number of cases reported by hospital care institutions under Ordinance No. 26 under clinical pathway POO5.2 "Normal delivery" is 3,573 and under clinical pathway POO5.2 "Caesarean section": 1,394.

After the amendments came into force, the Ombudsman was aware that a team of NGOs carried out a survey on attitudes to the changes, and only two of the doctors surveyed were not aware of them. Most of them also expressed positive attitudes towards the new measures, but some of the doctors said that for them the problems were deeper and lay in "the lack of information about Roma", "the attitude of the state towards doctors and the lack of health education in schools".



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Doctors who have refused to work under Ordinance No. 26 cited as reasons for their refusal: long delays in payments from the NHIF; problems with the software that does not allow reporting on activities under the Ordinance; and serious bureaucracy and administrative obstacles in reporting.

Based on these findings, the following recommendations are made:

- an analysis of the implementation of Ordinance No. 26 be carried out, taking into account the difficulties in its implementation.
- it is necessary to prepare information materials to reach women at risk, and to facilitate bureaucratic and administrative activities for doctors working under the Ordinance, by easing the procedures for reimbursement for activities carried out under the Ordinance;
- resolve software problems with the issuance of referrals to uninsured pregnant women, and discuss the possibility of increasing the number of examinations to 8 and expanding the package of tests.

On the recommendation of the Ombudsman, the NHIF sent a letter to the directors of the Regional Health Inspectorates to carry out inspections of outpatient medical facilities in 2024 regarding the scope and procedure for providing preventive examinations and tests to uninsured women in accordance with Ordinance No. 26. Draft leaflets, posters, stickers and videos have been prepared focusing on maternal and child health and conducting health information campaigns among risk groups.

THE OMBUDSMAN IN DEFENCE OF VICTIMS OF DOMESTIC VIOLENCE

The Ombudsman has repeatedly insisted on the adoption of more decisive measures to combat domestic violence, including at the legislative level. After several attempts to amend legislation in this area, amendments to the Protection against Domestic Violence Act became a fact in 2023. Already during the discussion of the bills, the Ombudsman supported the proposal to establish a national body to coordinate, monitor and evaluate policies and measures to prevent domestic violence and improve interaction between the various state bodies and organisations involved in the problem.

According to data from NGOs and media publications (official statistics is not yet available), in 2023 at least 21 women were killed by men in Bulgaria.¹ It is undeniable that in recent years, especially in the context of the global pandemic of COVID-19, cases of domestic violence have been on the rise and it is therefore imperative that more efforts are made to understand why and how violence occurs and to take the necessary measures to address it. Such

¹ http://spasena.org/bg/media_monitoring



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measures are all the more necessary now to counter the growing problem, and the adoption of legislative changes was imperative.

In her opinion, the National Ombudsman has repeatedly expressed support for the proposed amendments to the legal framework, which:

1. Broadens the range of victims of domestic violence who may seek protection under the Protection against Domestic Violence Act;
2. Facilitates access to justice;
3. Provides for new measures for protection from domestic violence, and introduces mechanisms to prevent abuse of the law;
4. Proposes the establishment of a national body to coordinate, monitor and evaluate policies and measures to prevent domestic violence and improve interaction between the various state bodies and organisations involved in the problem. Its functions, its composition, the institutions and persons who will be able to participate in its meetings are regulated;
5. Provides for the establishment of a coordination mechanism, which establishes rules of action and coordination between the competent authorities and organisations, thus ensuring reliable, timely and adequate protection of persons who suffered violence;
6. Provides for the establishment and maintenance of an information system and, as part of it, a national registry;
7. Sets forth prevention and protection programmes, as well as specialised services providing protection and support to victims of domestic violence;
8. Expands the range of persons who may initiate court proceedings for a protection order;
9. Regulates the possibility of providing free legal aid to victims, strengthening the court's duty of care, and introducing the requirement for the court to carry out a risk assessment;
10. Increases the time limit for applying for protection from domestic violence, which under current law is one month.

The Ombudsman insists that the condition of systematicity for the qualification of an act committed in the context of domestic violence should be abolished. The condition of systematicity means that the victim of domestic violence must, in at least three separate cases of domestic violence, take legal action and obtain protection from domestic violence. However, it is undeniable that domestic violence can manifest itself as a single act and that extremely serious harm to the victim can follow. This creates difficulties in protecting the rights of the victim, as she is in a vulnerable position, dependent on the perpetrator, and may not always be able to take action to protect herself.



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The Ombudsman's opinion was taken into account during the deliberations on the bill for amendments and supplements to the Protection against Domestic Violence Act and in the latest amendments to the Criminal Code the condition of systematicity was removed, as the legislator gave due importance to the effective fight against all forms of domestic violence and a clear signal to society about the social importance of the problem and that it will not tolerate domestic violence.

It should be noted that after the adoption of the amendments to the Protection from Domestic Violence Act, promulgated in SG No. 66 of 2024, a specialised permanent collective and advisory body for the implementation of the state policy on prevention and protection from domestic violence, i.e. the National Council for Prevention and Protection from Domestic Violence (National Council) is created.

The National Council is a collective body whose composition is explicitly specified in the DPAA and includes, in addition to the representatives of the executive and the judiciary, representatives of non-profit legal entities (NGOs) that carry out activities for the prevention and protection from domestic violence. The administrative, technical, organisational, expert and financial services of the National Council are provided by the Administration of the Council of Ministers (ACM) and in this regard the ACM has taken action to prepare and adopt by the Council of Ministers the Regulations on the Structure, Organisation and Activities of the National Council. A new unit was established under the Secretary General of the Council of Ministers, the Department for Prevention and Protection from Domestic Violence, Cooperation on Ethnic and Integration Issues and Interaction with Civil Society, to act as the Secretariat of the National Council.

At the time of writing, the procedure for selecting the NGOs whose representatives are members of the National Council has already been completed.

By Decision No 606 of the Council of Ministers of 11 September 2023, Ms. Maria Gabriel, Deputy Prime Minister and Minister for Foreign Affairs, was appointed Chairperson of the National Council. The first meeting of the National Council was held on 21 February 2024.

Technical documentation for the development and maintenance of the National Information System for Victims of Domestic Violence is in the process of being developed, which is of particular importance for the implementation of the interaction between the National Council, the different responsible institutions and NGOs in the implementation of the policy for prevention and protection from domestic violence and the Coordination Mechanism for Assistance and Support to Victims of Domestic Violence.

For the development of the Coordination Mechanism, a working group was formed by order of the Minister of Justice, which completed its work and submitted the draft document to the National Council for consideration and approval.

A working group was formed by order of the Prime Minister to prepare proposals for amendments to the Regulations by 30 April 2024 to bring them in line with the changes to the Protection from Domestic Violence Act.



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The preparation of the National Programme for Prevention and Protection from Domestic Violence is to be preceded by the identification of priority activities for funding, in accordance with Article 6f, paragraph 6 of the Protection against Domestic Violence Act, and stakeholders are expected to submit proposals for priority activities to be considered and approved at the National Council meeting. Information is to be gathered to establish a list of specialised services to provide protection, assistance and support to victims of domestic violence.

Last but not least, the Ombudsman stresses that an important aspect in the fight against domestic violence is to take measures and actions to create a social environment of intolerance towards this offence against the person. Unfortunately, it is a worrying finding, which has been drawn up by a number of experts working in the field of protection from domestic violence, that our society is tolerant of domestic violence.

Domestic violence and its effects on people's lives must be talked about openly and expertly in order to realise that violence in the home is not just one person's problem, one couple's problem, one family's problem, but society's problem. In the fight against domestic violence, more resources and efforts must be put into prevention, because even the practice of other countries shows that increasing the amount of punishment for perpetrators has not had a positive result in the fight against domestic violence and has not led to a reduction in the incidence of domestic violence.